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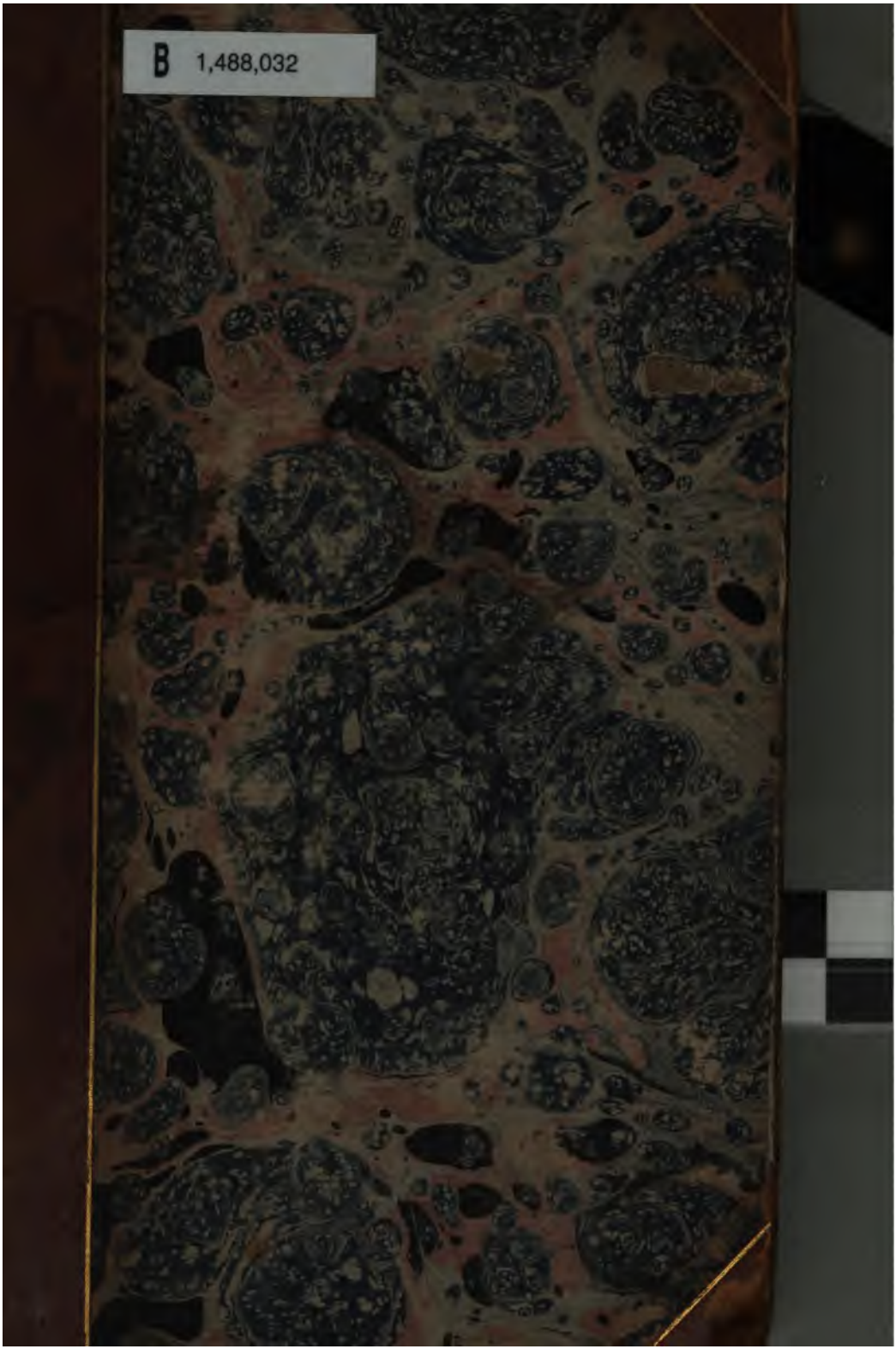
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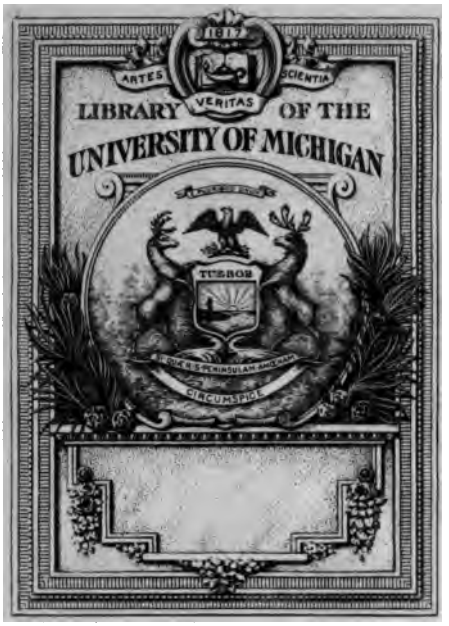

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IN SEVENTEEN VOLUMES.

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THE

HISTORY

OF THE

PROCEEDINGS and DEBATES

Of the FIFTH SESSION of the

HOUSE OF COMMONS

OF THE

Fourteenth Parliament of *Great Britain.*

February 23, 1779.

MR. *FOX* made the following motion, "That an humble address be presented to his Majesty, that he will be graciously pleased to give directions that there be laid before this House, copies or extracts of all letters received by any of his Majesty's ministers, or the lords commissioners of the admiralty, containing any intelligence relative to the equipment, number, and force of the fleet that sailed from Brest, under the command of Mons. D'Orvilliers, in July last." He would not, he said, enter into the whole of the enquiry this motion was intended to produce, but he would so far explain the expediency of it, that ministry, if they mean to refuse the papers, might assign reasons for such refusal. His reasons for desiring these papers were, to know if the ministry had any intelligence of the force of the French fleet in Brest water, when they first sent Admiral Keppel out with only twenty ships of the line. If they did not know it, they were guilty of the grossest ignorance; for there were many channels open to obtain information. If they did know it, they were culpable in the highest degree for sending out that brave admiral with so unequal a force; that if he had not providentially taken the Pallas and the Licorne, and thereby discovered that the French had thirty-three ships of the line, the British fleet and their gallant commander might have fallen a sacrifice. He wished to know what grounds of defence administration meant to take on the day of enquiry, which must come, and could not be evaded, as the salvation of this

country depended upon it. He wished to bring them to a point; would they avow that they had no intelligence, and confirm the opinion long entertained by all unprejudiced people, that they are incapable of managing the affairs of a great empire? If they meant to say, they had intelligence, how came it that, after the boasted declaration of the first lord of the admiralty in the other House of Parliament, and of his colleagues in this, Admiral Keppel found only six ships of the line completely ready when he went first to Portsmouth to take the command; afterwards fourteen; in all twenty, with which he was to face an enemy with thirty-two; after declarations from the admiralty at the beginning of the last session, that we had thirty-four ships of the line completely manned, ready to put to sea, and in a fortnight after should have forty-two? If they were ignorant, as he really believed, of the French force, it appeared to him very extraordinary that when Admiral Keppel, with a prudence and discretion which did him as much honour as any action of his life, returned into port for a reinforcement, and wrote to the admiralty that he had discovered the real strength of the French, that board never expressed any approbation of this conduct at so critical a juncture, though it had been the means of saving the British fleet, and perhaps this country from invasion. He was sorry to observe, that at this very hour, though the whole nation were sensible of his distinguished services, he had received no token of approbation from his royal master, nor had Sir Hugh Palliser received any mark of the King's displeasure.

Lord *North* opposed it in a short speech; his chief objection being, that exposing intelligence received by government at all times, even at a distant period after the events, would be improper; but so soon as the motion aimed at, might be very prejudicial to this country and to individuals; it might do much harm, and could not do any good. As to the admiral's conduct in returning into port, under the circumstances mentioned, he had not the least doubt of the prudence and discretion of the measure; and if the admiralty did not express approbation, he was certain nobody ever thought there was any blame.

Mr. *Townshend* said, that artifices were made use of to stop all enquiry into the conduct of ministers; they equivocated; one year they grant papers relative to the Toulon fleet, the next they deny it, under similar circumstances, with respect to the Brest fleet. The nation, however, now called for an enquiry

an enquiry so loudly and so generally, that it could not be denied by any but the dependants of administration.

Admiral *Keppel* rose, and desired the House to take notice, that whatever was the design or the event of the motion made by his honourable relation [Mr. Fox], he had no part in it. He had always acted according to the dictates of his conscience, with an honest heart; he feared no man, nor did he blame any. He desired he might not be charged with betraying any secrets of government, or the department of administration under which he served; he knew what belonged to secret instructions; and he never revealed to any of his fleet what were the discoveries he had made from the papers of the Pallas or the Licorne; nor at any time his instructions. He was therefore at a loss to know the reason of his being treated with coldness by the admiralty, or that he had not received any marks of the royal favour since his acquittal. One thing he must mention, which he thought singular, but he would not censure. In the official letter sent to him from the admiralty board, after his trial, restoring him to his flag and rank, that part of the sentence which reflects the highest honour on him is left out, viz. "that so far from having tarnished the glory of the British flag, he had behaved as became a judicious brave officer." They likewise omitted the words "malicious and ill-grounded charges," and that the acquittal was "unanimous." The admiral added, I have received the thanks of my country, of both Houses of Parliament, perhaps more than my best services merited; but these tokens of approbation will bear me up, and carry me through my duty for the remainder of my life: having my king to please, my country to serve, and the good opinion my fellow citizens have of me to preserve, all I can say is, that my life is at their service, but my honour I must take care of myself.

Lord *Mulgrave*, in reply, said, that the letter from the admiralty which the honourable admiral complained of, was a mere official order; that there was no idea of shewing the honourable admiral the least coolness; the only idea was to take off the suspension the first moment they knew of the sentence: That he was at the board when it was drawn up; that it was sent in the common manner: and that the honourable admiral might be well assured he would never have given his consent to any letter meant to appear as a cold letter to Admiral Keppel, or that should seem to convey either a want of joy on his acquittal, or a want of respect to his person.

Colonel *Barré*, who had the letter in his hand, read it, and thought the House would see in it a great coolness indeed. He declared he had heard that Vice Admiral Palliser, so far from meeting with disapprobation for his conduct on the 27th and 28th of July, had been applauded.

Admiral *Keppel* again rose, and declared, that whether the letter he had received, and which took off his suspension, was or was not meant as a cold letter, he certainly felt it to be a cold letter. The noble Lord had said, nothing had been done but what was common; he begged leave to say, that the whole of his case was extremely uncommon. When he was upon his trial, a great many questions were suggested to him as proper to be put by him; but he disdained putting any that might be imputed to dirty mean motives; that among others, he had information that a letter had been sent to Captain Bazeley by Sir Hugh Palliser, (and begged pardon for using the name, he never would mention it again as long as he lived,) declaring that the King had expressly thanked him for the conduct of the blue squadron on the 27th of July, and desired that his thanks might be communicated to the officers of that division. The admiral said, he made no use of the information upon his trial, he was above it. The noble Lord had talked of his joy upon his acquittal. He begged the noble Lord to consider always, that he separated his professional from his official character. In the former, he knew no man more respectable, or who, in the command of a ship, would behave more honourably. The admiral repeated his gratitude to the public, and said he was aware he now stood in a very ticklish situation, as the least ill conduct, or false step, would be attended with much worse consequences in him than in any other officer.

The House divided, when the numbers were, for the motion 97; against it 134.

February 24.

Mr. *Burke* said, that he thought it extremely improper to go into a committee of supply and ways and means, till the whole of the intended supply and ways and means were before the House. For instance, the army extraordinaries, which, by what he could learn, formed a very considerable part of the supply of the present year, was not yet delivered in. To talk, or pretend, therefore, to open a budget, without having the whole of the debt and credit side of the account under the inspection of those who were to pass it, was improper, unprecedented, and delusive, and tended to impose

equally

equally on that House and the public, and those who had agreed to lend their money. Till he heard some very cogent reasons therefore offered by the noble Lord in the blue ribbon, he should continue to resist any motion for the Speaker's leaving the chair.

Lord *North* replied, that in times of peace, and when large sums were not wanted, the usage had been such as described by the honourable gentleman, that is, taking the whole of the ways and means and supply together; but in times of war, and particularly the late war, the custom had been otherwise.

Mr. *Burke* said, he had not searched the Journals of the last war. It was uniformly the practice, even since the commencement of the American war, for which he appealed to the House, and the deviation from it last year did not apply; for, though the extraordinaries were not voted, the account of them was upon the table for several days. The account was presented on the 2d of March last, and the budget was not opened till the ninth. It might seem to be a matter of no great consequence, whether the extraordinaries were or were not included, because whenever they should be presented they would be voted *granted*. That was not his objection; it was this, by holding back the extraordinaries, and the increase of the navy-debt during the last year, the people would not be acquainted with the real expence of the campaign.

Mr. *D. Hartley* said, he understood the increase of the navy-debt amounted to two millions and between two and three hundred thousand pounds, and he presumed the extraordinaries of the army were enormous. It was therefore in vain to keep these circumstances from the public eye, or think of preventing the securities from coming into market in some negotiable shape or other. He had heard that the noble Lord had pledged himself to those who engaged for the loan, not to issue any farther negotiable securities, till after a certain day, at some months distance.

Lord *North* acknowledged, that he believed the navy-debt was considerably increased. He did not know what the exact account of that increase was; but, from the very expensive and vigorous naval exertions of the last year, he had a right to presume it was very considerable. The army extraordinaries, tho' he had not an accurate account of them, amounted, he understood, to two millions and twenty-six thousand pounds. Those he did not mean to include in the account of the supply of this day; but it would be understood, however, that they were to be provided for in the same man-

ner as if they had. The same method he proposed to adopt in stating other particulars, to take them by guess; the difference would not prove a great deal; they might be more, they might be less.

As to issuing further negotiable securities, he confessed it was part of the agreement with the gentlemen who engaged for the loan, that he should not, till after Michaelmas, negociate or issue any. It was a condition they steadily adhered to, and to which he was obliged to submit. His Lordship said, that the present state of the public accounts was not to include the whole of what was meant by the cant word budget, but only to a part of it.

His Lordship then proceeded to state the debtor and creditor side of his account, and made the whole amount to upwards of fifteen millions; navy, army, and ordnance eight millions; army extraordinaries two millions; navy debt two millions; a million vote of credit, and about a million miscellaneous services. To balance this, there would be seven millions loan; two millions sinking fund; two millions seven hundred thousand pounds land and malt tax; one million five hundred thousand pounds Exchequer bills; one million new vote of credit; and about twelve hundred thousand pounds negotiable securities, to be issued subsequent to 29th Sept. 1779.

His Lordship next expressed the very great difficulty he had been under in negotiating a loan, owing to the very high terms, according to his opinion, that had been insisted upon by the monied people, which had obliged him twice to break off all manner of correspondence on the occasion. In consequence of this, the persons with whom he had been treating had stood forth in defence of the reasonable proposals they had demanded, and with which they were agreeable to close with government, when it should be found that more eligible ones were not to be met with, which they trusted would most undoubtedly be found the case. Driven thus to the expedient, his Lordship had applied to other quarters, and sought, by every means in his power, to obtain a better bargain. But in vain. After searching for it a very considerable time, he was convinced at the end of the pursuit, that he ought, for the service of the state, to return to the people he had first negotiated with, and to close with them on the terms they had stood to as fair and reasonable. This he had accordingly done, though very much, he must confess, against his will; but he was urged to it by the necessity he was under: and the only reason, indeed, that he *could, after all,* pretend to furnish was, that he had done it

because

because he could do no better. If he could have done better, he should have been glad, but it was impossible. This being the case, he had terminated his treaty with the subscribers for a loan of seven millions, though he could have wished, as he had endeavoured, to have made it at least one million more.

The subscribers of the loan, he said, had bound him in a promise not to issue any negotiable paper from government before Michaelmas next. The only provision as yet made by Parliament towards the services of the present year, was by the land-tax and malt bills, from which about two millions and fifty thousand pounds will arise, which, with seven to be borrowed by the new loan, four by exchequer bills, and about one million two hundred thousand pounds, intended to be raised by negotiable papers, to be issued after Michaelmas, together with some extraordinaries yet to be voted, would make up nearly fifteen millions of money, and complete the sum necessary for the service of the current year. The terms he had proposed for the new loan were three per cent. in the consolidated funds, an annuity for twenty-nine years of three pounds fifteen shillings per cent. and a douceur of seven lottery tickets, in a lottery consisting of forty-nine thousand, at ten pounds a-piece. This mode of granting annuities, he apprehended, must be deemed a most pleasing way of raising money, as in twenty-nine years the state would be freed from three and a half per cent. His Lordship then explained in what manner these seven millions were to be funded, and hoped in the course of a month to be able to point out in what way the remainder of the supply required was to be procured, remarking at the same time, that four hundred and forty-nine thousand pounds were to be derived from the lottery of the present year, the tickets of which being delivered out at ten pounds each, would give a profit of three pounds on every ticket to the subscribers. How the interest of this loan was to be discharged, he would lay before the House in a day or two, till when he would beg leave to postpone entering upon the new taxes that were to enable government to do it, though he must own it was rather unusual to defer it in that manner.

The great advantages held forth to the public in the present loan, might be supposed sufficient to maintain the propriety of an open subscription; but he was persuaded of the contrary; for the truth was, that the loan of last year suffered chiefly by part of it falling into the hands of adventurers, and persons

of small property; the consequence of which was, that the persons thus circumstanced, alarmed at the fall of stocks, ran to market, and glutted it in such a manner that before the budget was opened, the omnium was below par; whereas, if the whole had remained in a few opulent hands, they could have held it back from market, and by that means in some degree kept up its price to a little above par, and prevented those fatal consequences which so immediately followed. When small operations of finance were to be undertaken, he was convinced that an open subscription was the most beneficial to the public; but in the midst of a war, when great sums were to be borrowed and funded, and a great deal of unfunded debt was floating in the market, he was thoroughly convinced that an open subscription would never answer; and, even if there was a rational prospect of success, he thought it much too hazardous an experiment to make at such a crisis.

His Lordship said, that though the war should be continued, we should still have the means of carrying it on with vigour, and be enabled to procure as much money as we might want. If the terms of the loan were hard, our credit was good, and in high reputation; and though it might not be thought necessary or proper in the future prosecution of it to continue borrowing and funding, means might be devised for raising the necessary supplies within the year. Such a plan, he was satisfied, would be productive of many benefits, nay singular advantages. It would tend to raise the value of the funds already in being; it would rouse the people at large to the most vigorous exertions; it would fully restore public credit. He did not pretend to determine exactly, whether such a plan was, or was not, practicable. He thought there was nothing very difficult in it, if there was a full confidence in government.

In such a temper, he did not see why the plan of raising the supplies within the year was not practicable. One nation [Holland], he understood, had done it; and he could conceive no reason why Great Britain might not do what any other nation had done, or might not set the example, though no such plan had been adopted before. It was true, that great sacrifices must be made, and many gratifications given up; but, if the measure should become necessary, that consideration ought, and he believed would give way. The honour, the glory, nay the very existence of this country might require it.

He threw this out only loosely; for though war was necessary at present, peace was the object which he still held in view.

There

There were only three events that struck him, which could render peace desirable to any man who had the interest and glory of his country at heart. These were the return of America to her former state of obedience; the relinquishing her connection with France; or France relaxing in her demands: they were in a manner connected together. The two former no man was at liberty to pronounce upon, and the latter there was little probability of at present. In such a state of affairs, it was therefore fair to presume, that a prospect of peace was at a considerable distance: though he did not doubt but money could be had in the usual manner, he thought it would not be unworthy that House and the nation at large to turn their thoughts to some mode of raising the supplies within the year, on account as well of the present as future advantages that must result in a variety of instances from the adoption of such a plan.

It was true, it must be admitted, that the war had not been altogether equal to our expectations. But in another year there was every ground to hope it would be better. To that period he wished to direct the attention of the House, and he did not fail drawing by that time, should it be requisite, the most complete and ample resources from a great and opulent company, (meaning the East-India Company,) in whose welfare the public had taken so large a share, and in whose success it most undoubtedly ought to participate to the very utmost. His Lordship having proceeded thus far, drew a comparison between the finances of this country, and those of France, in the course of which some very handsome compliments were paid to Mr. Necker, the French minister at the head of the finance, and the advantage of finance shewn on our side; after which his Lordship took occasion to observe, that notwithstanding the boasting made by France, that all her supplies had been nearly expended in their navy, and yet it had been very far from having made a respectable appearance. Upon the whole, a confidence in ministry, the noble Lord thought highly conducive, at this time, to the interest of the public.

Mr. *Fox* said, he rose to expose the futility of the argument used by the noble Lord, who was still, he observed, at his usual ingenuity, attempting, as he ever had done, to defend his conduct, because it had not been in his power to do better. Yet another year we might possibly do better, and to that period men were to look for the salvation of their country. How long had this language been held? How many

years

years had we been taught to expect what we were bid to trust to another season? He would entreat the House to look to the difficulties the noble Lord had met with in negotiating the loan for the present year, though the noble Lord had told the House, and that with a degree of confidence and assurance that should seem as though it were true, that the nation was far from being in a bad situation. But how was it last year? Even then it would have been impossible for the necessary supplies to have been procured but for the duplicity, not to say dishonesty, of the minister, who had given the subscribers every reason in his power to believe, that we should not be engaged in a French war, though at that very time the ministry were in actual possession of dispatches from Lord Stormont, the English ambassador at the court of Versailles, informing them, that the treaty between France and America had been signed, which was afterwards announced and avowed here by the Marquis De Noailles.

Mr. *Burke* said, he could not help expressing his astonishment at the insolence of telling the House that new taxes might be raised without being burthensome or oppressive to the people. Good God! after all the enormous supplies that had been voted, and nothing done, was the House, was the nation, to be told that new taxes were to be raised! He lamented that fifteen millions more were to be lavished away against America. The difficulty the noble Lord had met with in getting the loan done, was what he was not surprised at. Yet we were not so poor, but that we might hold out another year. We still might keep ourselves above water. What a happiness was that! We had expended above thirty millions of money,—and we yet were not totally ruined! We still were able to pursue the American war. But not in the usual way. No, we were now to have a curious abridgment. A little, pretty snug war was now to be carried on.

The committee agreed to Lord North's resolutions without a division.

February 25.

Sir *Charles Bunbury*, in the committee on the court-martial bill, proposed an amendment in the clause, which makes it capital in an officer not to have done his utmost to sink, burn, and destroy the ships of the enemy. This, he said, was the clause on which Admiral Byng was found guilty, and most unjustly put to death; for it was evident, that if Admiral Byng was acquitted of cowardice and disaffection, it implied of course that he had done his utmost; a want of courage or zeal for the service,

service, might be brought under the charge of cowardice or disaffection; but when those were unimpeached, it necessarily followed, that the sentence of the court-martial could substantially amount to no more than an error in judgment.

Mr. *Graves* was of opinion, that some words should be inserted, for the purpose of distinguishing between a mere error in judgment, and wilful neglect.

Lord *Beauchamp* said, naval courts-martial should be brought as nearly as possible upon the footing of military courts-martial. The charges in the latter were more direct and specific, and the Court were of course more restricted in the judgments they pronounced. He did not seem to approve of the words wilful neglect, because, without a specific description of the word wilful, the Court would still retain the power of judging of the criminality, and making at their pleasure a mere error in judgment amount to a wilful neglect.

Mr. Fox, Mr. Burke, Sir Charles Bunbury, and Sir W. Meredith, spoke likewise in the debate; but what fell from

Mr. *Byng*, nephew to the deceased Admiral of that name, principally drew the attention of the House. After observing that his uncle had been condemned for a mere error in judgment, he said the gentlemen who composed the court-martial, though they looked upon themselves obliged to find him guilty on the article alluded to, in not doing all in his power to sink, burn, and destroy, felt the injustice of the sentence, and desired to be absolved from the oath of secrecy, in order that they might be at liberty to state their reasons. An Act of Parliament was accordingly passed to absolve them, and they stated the difficulty of being compelled to find a man guilty, by the letter of the Act of Parliament, when in fact, they had substantially acquitted him; but the attempt, however just, generous, and humane, was defeated. The king's ears were stopt, and his heart rendered too hard to receive any impression in his uncle's favour. The Ministry, in order to excuse themselves to the nation, found their interest in his ruin. The Sovereign was prejudiced, and the minds of the people inflamed. The very judges were employed to effect his destruction. The case was referred to them for their opinion; but instead of desiring them to determine whether the sentence was consonant to justice, the question put to them was, whether the sentence was legal? The judges answered in the affirmative, that the sentence was legal; whereas the true question was, whether it was just. For the reasons before mentioned, the prejudices conceived by the king, the necessity ministers imagined there was to make

their

their own justification rest on the failure of duty in the Admiral, and the arts employed to increase the popular prejudice against him, all conspired to effect his ruin, and at length prevailed.

He then entered into several particulars respecting his uncle's conduct, during the period between the reference to the judges and their report, while yet some hopes of mercy remained; when he assured the House, that his uncle earnestly affirmed to him, that he was entirely indifferent as to the issue; for if he should be acquitted, or his sentence mitigated, he should never pass an happy or comfortable minute during the remainder of his days; he could never survive the loss of his honour, nor wish to retain a life which, however unjustly, was looked upon to be forfeited to the justice of his country. Sir Charles Bunbury's proposed amendment was finally adopted.

Mr. *Ord* brought up the Report from the Committee of supply of the preceding day: Mr. *Hartley* opposed it, on the grounds that the terms of the loan were disadvantageous, and that better might have been procured.

Lord *North* said there was a necessity of receiving the report, as the first payment was to be made on the following Tuesday. It would be proper that the subscribers should have timely notice to be prepared; and though no such pressing necessity existed, he saw no reason why the public business should be postponed, as no other mode of raising the loan had been proposed by the honourable gentleman who opposed the bringing up of the report.

The resolutions respecting the terms of the loan were then reported and agreed to without further opposition.

February 26.

No debate. Adjourned to March 1.

March 1.

Lord *North* began with saying, that his opponents had endeavoured to establish the following propositions: That the deficiency of the house and servants tax shewed the inability of this country to bear greater burdens than those she at present laboured under; and that the plan alluded to by him, of raising the supplies within the year was totally impracticable.

The first was a fact, accompanied with no reasoning whatever; the second was mere speculative reasoning, without any proof to support it.

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The conclusion was, that the whole of the deficiency arose from the real produce of these two taxes; whereas, the greater part of it arose from the operation of the servants tax having been postponed for a whole year, and both the servants and house tax being not properly collected. False entries, and lists of the number of servants kept, were given in and received; the houses were under-rated, being set down at the ancient rents, instead of the real value. Warehouses, &c. contrary to the meaning and intent of the act, were exempted; and, where no ancient rent existed, the new assessment generally favoured the person who was charged to the tax, to the great detriment and diminution of the public revenue. The conclusion was therefore ill founded, to the extent contended by them, for the general or annual defalcation from the sum, for which these taxes were taken, bore no proportion to the real produce, when properly collected. The determination of the Commissioners had been appealed from, and a reference made to the judges, who were of a contrary opinion with the Commissioners. The latter however had not acceded; and, in order to put the matter out of all doubt, he meant shortly to propose some amendments in both acts, which should remove all grounds of future controversy.

As to the other point, respecting the impracticability of raising, in any given situation of things, the necessary supplies within the year, he begged to say a few words in answer to that objection. It had been contended, that whatever any man contributed out of his usual expenditure; that is, more than he already contributed to the general support of the state, in the usual and established mode of taxation, would disable him proportionably to contribute to the exigencies of the state, through the medium of the taxes already established; a person who contributed a certain sum must retrench some of his ordinary expences. Thus, for instance, every former gratification he abstained from, would tend to lessen the revenue, and what the public received in one hand, she would give away with another.

This, he said, would, in his opinion, be by no means the case; for, although the proposition might be partially true in respect of some persons, the money being called into circulation, and the greatest part of it spent within the kingdom, the nation would lose nothing, great numbers of people would be benefited; and, at the conclusion, the nation would be a gainer, as she would incur no additional debt. What was

taken

taken in one way from the people, would be given in another. The merchant, manufacturer, and mechanic, would be able to spend more, though others would of course spend less; so that, on the whole, the total ability to spend would be nearly the same, and neither the present generation nor posterity would be obliged to provide for the interest of new loans.

He did not, however, look upon himself pledged to prove the practicability of the plan, or as standing engaged to carry such a plan into execution. All he said was, that he believed it was practicable, which he still thought, though he did not pretend to say that he knew the means of carrying it into execution. If, indeed, the extraordinary aids within the year were to be lost to this country, the honourable gentleman's deductions would be fair and conclusive; but as the nation would still retain the whole of the property, and that no material difference would arise but the change of owner, it could not affect the general consumption in any great degree, if at all.

His Lordship then proceeded to propose the new taxes for paying the annuity to be incurred by the loan. These he said were intended to be a surcharge of 5 per cent. on the net produce of the customs and excises, and a tax upon post-chaise horses.

To come at the probable produce of the surcharge tax, it would be necessary to state the amount of the funds on which it was to be laid, the customs and excises.

The average produce of the excises, after deducting the drawbacks, on an average of the three last years, was	5,520,417
Customs ditto	2,519,403
Total	8,039,820
A surcharge of 5 per cent on the above	401,991
Meaning to deduct the surcharge on the brewery, which, on an average of the three last years, was 1,749,415*l.* amount to	87,470
The net produce of the surcharge tax will be	£. 314,521

The tax upon post-chaises, at the rate of one penny per mile, allowing each hired chaise in England, of which there were four thousand, to go two stages each day, it would produce

duce a daily income of 600l. per day, or 219,000l. per annum; but, deducting one-fourth from this computation, he would take it at 164,000l. which, added to the 314,000l. made, in the whole, 478,000l. The interest of seven millions borrowed at six and three quarters per cent. was 472,000l. so that, according to this computation, the sum of about 6000l. would remain to be carried to the credit of the sinking fund.

In the course of his speech, he went into a great number of minute computations, in order to shew the very little effect the surcharge duties would have upon the customs and excises, so as to reach the consumer.

The brewery was exempted, because beer was a great article of consumption with the lower orders of the people; and if agreeable to the committee, he would exempt soap, candles, and leather from the surcharge. The amount of those duties, taken upon an average of the three last years, amounted to about 700,000l. consequently the surcharge, if computed upon that sum, would be about 35,000l. If the committee should agree to supply this deficiency in any other manner, he was perfectly satisfied, and on that supposition two modes had suggested themselves for effecting it, without laying on any additional burdens, these were either restraining or entirely taking away the privilege of franking of letters, or taking off the prohibition of the importation of foreign cambricks.

Here his Lordship was entering into a very wide field, to shew the abuses that had crept in the exercising of the privilege of franking of letters, but was interrupted by a general murmur of disapprobation; on which he immediately stopped short, and proposed the taking off the prohibition of foreign cambricks. He said, the prohibition answered no end whatever, that the same quantity was imported, and that the law answered no end but diminishing the revenue, and the giving encouragement and employment to smugglers. He would therefore take the duty upon cambricks in his account for the sum it usually produced when the importation was permitted, in lieu of the surcharge-tax upon soap, candles, and leather; the difference between the two would be but trifling, the cambrick duty generally producing from about 32,000l. to 35,000l. per annum. It is true that sum would make no part of the present resolution, for it would be necessary to bring in a bill upon a motion for leave to repeal, but in effect it would be the same thing; for when the bill

was

was repealed, the produce of the tax would of course make part of the supplies of the year.

His Lordship concluded with recurring to the argument he first set out with, the practicability and numerous benefits that would be derived from raising the supplies within the year. It was, he confessed, a matter that required great consideration and attention, and would be accompanied with many difficulties; but he had no doubt but it might be effected. He would not wish to be understood, however, that stirring such a proposition implied any declaration or acknowledgement that we were at the end of our resources; far from it, we had still many and great resources. It was not thrown out as an act of necessity, but of wisdom and sound policy. It would prevent us from borrowing on high and disadvantageous terms, and would prevent an accumulation of further burthens. In short, it would render the present funds more valuable to the stockholders. There were many annuities determinable, which would, at different periods, come in aid of the national supplies, one in particular, of one per cent. on twelve millions, which would be 120,000l. besides several others. The charter of the East India Company was near expiring, and in the present state of affairs, as well as in justice, assistance might be fairly expected from that quarter. There were many objects of taxation, which he forbore to mention. When, therefore, he recommended the House to turn their attention to the propriety of raising the supplies within the year, he recommended it as a plan of policy, not of necessity.

Mr. *Pultney* observed, that he was not in the House on the 24th ult. but had heard, that two honourable gentlemen had controverted some positions in a pamphlet of his lately published, particularly his honourable friend near him [Mr. Burke.] He understood, that the ground of objection stated by that honourable gentleman was, that whatever was given in aid by the faculty-tax, mentioned in the pamphlet, which was a tax of fifteen shillings per cent. on what each contributor was worth, would proportionably disable him from contributing in the ordinary mode to the established taxes of the state. On the contrary, he thought it would not only prove of public, but individual benefit. Whatever property he possessed, whether in lands, houses, stock, &c. would be of more intrinsic value, and to those who were to derive under him. In a public light, the advantages of a public contribution, over a loan, must be obvious to the meanest observer;

observer; and he was entirely of opinion, that the money raised within the year, would all remain within the kingdom, or shortly return to it; so that instead of receiving with one hand, and giving it away with the other, respecting individuals, it would only be a transfer of property; and as to the state, the immediate and future benefits would be immense and permanent.

To strengthen his argument, he contended, that no nation could long support a war, on the scale of expence, and the exorbitant interest we were obliged to pay for the money borrowed. They were directed, and must terminate in the same point, that of national ruin and public bankruptcy. Some such plan, as that laid down in his pamphlet, must be adopted, or the nation would be undone.

He condemned the terms on which the present loan was negotiated; but presumed no better could be procured. He thought, when the noble Lord knew what advantages the subscribers sought, he should have taken care to have satisfied them in the manner least detrimental to the nation. That his Lordship might have easily done, by making the whole operation in the three per cent. consols; it would have made an immediate saving to the nation of upwards of 140,000l. per annum, which, in the course of twenty-nine years, would go very near to extinguish the whole of the loan within that period, should the three per cents. continue much under par.

Mr. *Burke* said, that the raising the supplies within the year, must solely be drawn from property, either lands, houses, stock, or moveables. That it was presumed, and well understood, that most men in this country lived to the extent of their incomes; consequently, every shilling drawn from their pockets proportionably unfitted them for purchasing the gratifications or luxuries of life. If the tax was a tax upon those who lived by their labour, it would to all intents and purposes be a tax upon the necessaries of life; if upon property, it would, however given or received, amount to a tax upon the luxuries or gratifications of life; so that in either or both events, it must reach the consumer and the commodity, and ultimately the revenue be drawn from the consumption. If the manufacturer, merchant, or mechanic was less employed in their respective professions, it would affect them equally with a tax, and that it must was evident; because their employment must bear a proportion to the demand for their merchandize, labour, or manufactures. That a few individuals would be enriched by this mode of raising the supplies was certain, but that the whole mass

mass of people, as well as the public revenue, would be impoverished, was equally true.

He rose, he said, only to point out the fallacy of the noble Lord's reasoning, lest any person should be deceived by it. He would, for instance, ask the noble Lord, whether the tea duty or excise did not produce half a million annually? Now, upon the noble Lord's hypothesis, he presumed, that after the supplies within the year were raised by aids drawn from property, there would not be as much tea drank, or any other given commodity, of what might be called mere articles of luxury. He said, the idea was equally ill-founded and absurd. No man had any motive for securing or increasing his property, but maintaining himself, providing for his family, or from avarice. These would all continue to operate upon his conduct in every situation; their operations were native, systematic, and uniform. So long, then, as they directed his conduct, it was to be presumed, that they would prevent him from adding to the public stock, without retrenching his expences. When, therefore, these motives ceased to influence human actions, then would the noble Lord's plan be practicable, but not a moment sooner.

He observed what pains the noble Lord took to divert the attention of the committee to extrinsic matter. He says such a plan may be practicable; but says he does not know the means. That is, he affirms the practicability, while he acknowledges that he does not know that it is so. Again, the noble Lord has given a descant on the brewery, and the ability of the brewers to pay the tax, without raising the price of beer to the consumer; but what is all this for? or to what purpose? Only to tell you, that he does not mean to tax the brewery. He desired the noble Lord to consider the possible consequences which might arise from laying additional duties upon commodities used in our manufactures; which, if too high, would probably affect both our manufactures and commerce.

Mr. *Fox* made several observations on Lord North's speech. He particularly remarked on the confidence with which the noble Lord spoke of great resources, and the facility of procuring future loans, when all the House had to do to be convinced of the fallacy and designed delusion of such declarations, was to recollect when the noble Lord, so lately as the preceding Wednesday, openly and repeatedly acknowledged, "I wanted eight millions, but after the most strenuous efforts, was not able to procure more than seven. I pressed the subscribers on the necessity of getting the other million, but was not able to prevail." How far this recent declaration

accorded

accorded with the pretended resources and ability of this country, he left to the noble Lord to reconcile. He would likewise wish the noble Lord to recollect the deficiencies in the servants and house-tax, no less than nearly one half, and see what right he had to expect any credit on the probable produce of any tax which he might think proper to propose. The noble Lord had indeed confessed he had been mistaken in his computation of last year; he expected to hear the same confession from his Lordship the next.

His honourable friend, who had just sat down, said, that though the taxes were far from being what he could wish, such was the state of public credit, that he would agree with them, because he could not himself propose better. He affected no such candour; such a language, should it become prevalent, would be little short of the surrender of the rights of Parliament. The question was open to every member present, to approve or object to. He might object, and see the impropriety of a tax, and yet not come prepared to substitute another in its room. Every member was not a chancellor of the exchequer, nor could the most intelligent come sufficiently prepared, when intricate operations of finance were to be submitted to their judgment, to substitute another, instead of the plan proposed by government. For instance, the terms of the loan were strongly objected to the last night by him among the rest. If the House were acquainted with them, previous to their being proposed, and that gentlemen had time to turn the matter in their thoughts, they might frame reasons, and make use of arguments sufficient to shew, that the bargain was a bad bargain, and that the subscribers might be equally well secured, and still a very considerable saving made to the nation.

He said the noble Lord's detail was calculated to draw the attention of the House to mere trifles, or to waste it in an account of what might be done, but what his Lordship did not mean to do. The noble Lord tells you, that the additional five per cent. on the produce of the customs and excises, is but a mere trifle, and can be therefore easily borne. The noble Lord may tell you so the next year, and the year after; but is the noble Lord sure that the original fund on which this surcharge is computed, will continue equally productive? Is he certain, that the decay of trade in one instance, and this additional tax in the other, may not both affect the import and consumption? If the excise and customs have decreased so much within the two last years, what security has he that they will not decrease in a larger proportion

the next? or that the sinking fund, which has produced only two millions within the last year, will produce half that sum the next? or that instead of raising the interest of the money borrowed upon new taxes, we are not in fact mortgaging the produce of the sinking fund, to new creditors, after having already pledged it, by the most solemn sanctions of parliament, but to the old ones?

The noble Lord had complained of the evasions made use of, in order to defeat the servants and house-tax, by which means, the acts which imposed them were prevented from a due and legal operation. His Lordship seemed to insinuate, that this arose from the partial conduct of the commissioners appointed to carry those acts into execution. This was, at best, but an assertion without proof, and must be received as such; the noble Lord, it is true, called in the authority of the judges to his support; this, he was bold to maintain, was an extrajudicial opinion. The appeal lay to the commissioners, and they were fully competent to decide upon it. But, says the noble Lord, I will move to amend those acts; why not state the amendment to the House? The truth is, the noble Lord knows that the taxes, however the acts may be amended, will still be deficient, as well as he knows, that the present new ones will fall considerably short of what he has taken them for.

He concluded with some observations on the tax upon post-chaises, as tending to prevent that free communication, which was one of the great causes of our present flourishing state, the improvement of our manufactures, and general cultivation and improvement; and, on the whole, would be attended with such difficulties and expence in the collection, as he thought, for his part, would occasion much injury, and be of no material service to the revenue.

Lord *North* replied to the two honourable gentlemen who spoke last. He said, that one of them [Mr. Burke] supposed every man was influenced by pleasure and avarice; and that he who gave to the state, if he came under the first description, must retrench his expences, and abstain from gratifications; and that the avaricious man would spend no more than he did before, and would deduct whatever he thus contributed from his usual expenditure. The proposition was far from being well founded, in his opinion; he hoped that there were many influenced by other and more generous motives; numbers would support government that were neither spendthrifts or misers.

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The honourable gentleman had condemned the appeal to the twelve judges, and supposed that the commissioners were competent to finally decide. He esteemed the gentlemen in the commission as a very honest respectable body of men; but however favourably he was disposed to think of them, he could not put their opinions on the footing of so solemn a determination. There was a clause in the act which gave a dernier appeal to the judges; and, as to the decision itself, he looked upon it to be a most respectable one, for he believed that the benches in Westminster Hall were occupied by as unbiassed and as independent a set of men as ever sat there. His Lordship went into a great many other particulars of less moment, in reply to objections made from the other side of the House, and said, as it appeared to be the sense of the committee, he would take the duty upon cambricks, in lieu of the surcharge tax upon tallow-candles, leather, and soap.

Mr. *Burke* rose again, and said, that he never said that gratifications and avarice were the only two motives to human actions. What he said was, that gratifications, avarice, or making a provision for one's family or posterity, were the leading causes which operated in general with mankind, which he was ready to maintain, and follow it with his first conclusion, that every man, who contributed in a private or public manner, whether by tax or gratuity, would, upon some one of those motives, find himself obliged to retrench his ordinary expences, and of course abstain in a greater or less degree from those gratifications or enjoyments by which he formerly contributed to the support of the state.

Sir *Richard Sutton* said, that the honourable gentleman who spoke last had misconceived the idea thrown out in the pamphlet of his honourable friend, and the arguments resorted to by the noble Lord; for the question was not, whether a man could pay out of his annual income what he wanted to raise by way of mortgage upon that income, but whether the nation, upon a public emergency of the first importance, could, in its collective capacity, raise fifteen millions within the year.

Mr. *Cornwall* replied to several passages in the speeches of Messrs. Burke and Fox, contended that the 5 per cent duty would be easily collected, and, if any difficulties should arise in the collection of the post-chaise tax, it might undergo a revision the next session, when the substantial objections made to it, and founded in experience, might be readily removed.

Mr. *T. Townshend* said, that when the house tax came under the consideration of the House, he believed that it would appear to have been executed very partially. Out-houses were charged rated, which was not the intention of the legislature; favour was shewn in some instances, and the utmost rigour exercised in others. He was rated for his house in the country, which was no more than a cot, forty pounds, while he understood that the noble Lord who possessed a family mansion in the country, was charged but ten pounds.

Mr. *Bailey* complained greatly of the additional tax upon sugars. He said he and his family paid duties to the amount of 30,000l. a year, and that an additional tax upon that sum would affect his property very greatly, and was indeed more than the planter in any part of the West Indies could, in the present situation of affairs, well bear. His own part of that sum, which was paid into the exchequer, was nearly twenty thousand guineas nett money, which was more than what he received clear after all deductions and outgoings, so that the duty upon sugars, before the present tax, was fully equal to cent. per cent. of the clear produce. Therefore, when the noble Lord represented the additional tax to be only four pence per hundred upon sugar, now worth at market sixty-four shillings, and two pence three farthings upon rum, worth eight shillings per gallon, his representation was fallacious, and served his Lordship's present purpose, that of misleading the House; for he must have known that the planter not only paid the duties, which were almost seven shillings, or three farthings a pound, but likewise ten shillings freight, and an insurance equal to one third part of its value. His Lordship could not forget how low the price of rum was in Jamaica; for he could not forget the offer he made to him of taking the contract, which he made with Muire and Atkinson at four and four pence per gallon, at half that price exactly, or even less upon a large transaction.

He then spoke of the very spirited exertions the people of Jamaica were making for its defence, an expence amounting to four thousand pounds per day, or about one million per annum.—This brought to his recollection one circumstance, which, with many others of a similar nature, might easily account for the great desire his Majesty's ministers had to continue the war.—It was relative to the son of the noble Lord over the way [Lord Germaine] whom his Lordship had appointed Receiver General of Jamaica, which entitled him to a poundage of five per cent. on the public receipt. This,

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upon four thousand pounds a day, made two hundred, or upwards of seventy thousand pounds per annum.

All wonder therefore must cease at ministers being fond of perpetuating this bloody and destructive war, when they were urged on by such strong and powerful incentives. But he would have them reflect, shorten their mad career, and take timely warning not to oppress the West India islands too much, lest they should lose them as they had already lost North America; and the noble Lord, in particular, lest his infant son should lose that very valuable and lucrative office he held in Jamaica.

The resolutions were ordered to be reported, and the House adjourned to the 3d of March.

March 3.*

Mr. *Fox* began with remarking, that the orders of the House had been disobeyed; that the papers moved for some days ago, being copies of those found aboard the Pallas and Licorne French frigates, had in part been with-held; and such of them as had not were not produced till since the House met, by which means the members were prevented from knowing any thing of their contents. The papers alluded to had been transmitted by his honourable relation to the admiralty board; and though moved for on the first instance, and though they could be copied in a few minutes, they were with-held. Such a conduct would fully justify him in postponing his motion, that gentlemen might have time to peruse the papers; but, as he meant to state them as part of his speech, it would answer the end he proposed, which was to shew the comparative strength of the respective squadrons at the time the honourable admiral quitted the Channel. There was still something which had a worse appearance than the mere delay; that was the omitting entirely the letter from the admiral which accompanied the enclosures.

He then proceeded, and, in a prefatory discourse, after stating the seeming advantages which governments, merely monarchical, had over those limited or mixed, made the following observations:

* The House, about four o'clock, presented a most respectable appearance; not a single seat being unoccupied in any part of it, and upwards of fifty members, for whom there was no room in the body of the House, were obliged to sit in the side galleries.

The general opinion which prevailed was, that governments merely arbitrary, or where the direction of the power, force, and resources of the commonwealth were vested in a single person, or in a few, there all the functions of government were performed with greater facility and dispatch, particularly in times of war. Secresy, which was the life of counsel, was secured; dispatch and vigour were only bounded by the abilities of the state. The blow was struck, or the necessary precautions were taken, as it were, before the cause was known; and the people acquiesced in the power and wisdom of their rulers. On the other hand, in governments where the political machine consisted of different movements, where its parts were more complex, and the motion of the whole depended upon a combination of various movements, its motions were slower; they were regular, but less vigorous; they were liable to be defeated, because their stated progress was made public before the proposed effect could take place.

This was a speculative proposition that no man could deny. Indeed, on first hearing, it commanded assent. It was an abstract proposition, equally clear, that those advantages arising in arbitrary governments were balanced by others enjoyed in free governments. The latter were better calculated for times of peace. Men were more effectually protected in their persons and properties; they gave encouragement to the exertions of private individuals; they called forth talents out of obscurity into the service of the state; they were favourable to mercantile adventure, to the extension of trade and commerce; they inspired a love of country, and a spirit of honest independency; in short, free governments, while they put every man upon a level, and rendered him independent of every thing but the law, combined every member of the society in one common interest; and created a personal as well as public pride, which, when properly directed, and judiciously restrained, is the strongest excitement to great and glorious actions.

Such were, on one hand, the supposed advantages that in theory were supposed to be annexed to governments, where the whole power of the community was vested in, and exercised by a single person; and such on the other were the distinguishing characteristics of governments constituted upon the broad basis of public freedom. But although in theory each proposition seemed equally evident, experience held a different language; the truth was, that the arts of peace

peace had not, at all times, been more successfully cultivated in states republican and free, nor yet those of war, in countries purely arbitrary and despotic. No nations had been more successful in war than those where the body of the people had a share in the public counsels; nor none had oftener failed than those who excluded them entirely from interfering in the administration of public affairs.

The ancient republics of Greece and Rome exhibited the strongest proofs of the former. This country would remain a monument to the end of time of the fortunate and almost irresistable exertions of a mixed government. Holland and Switzerland further confirmed the truth of this proposition, that no form of government is so well calculated for the happiness of its subjects, for internal prosperity and external strength, as that in which the power is delegated by the people, and exercised by the executive power under their controul.

The reason which struck him was this: the legislative and executive powers of the state being separate and distinct, the crown and its ministers are conditionally vested with as much power as is necessary for the discharge of the trust committed to their care. The executive power may make peace and war; may enter into alliances; may incur expences; may, in short, adopt every measure, which the terms of such a trust can be supposed to imply, in as full and ample a manner as they think proper; followed only with this single condition, that they are responsible to parliament for their conduct. If they act negligently, corruptly, or traiterously, they do it at their peril, at the hazard of their lives, honours, and fortunes; whereas in arbitrary governments, where men are subject to the same failings and vices, being not subject to a like controul, or to be called to any account for their conduct, their conduct being directed by the only person in whose power it is to disgrace or punish them, so long as they preserve the confidence of the sovereign they have nothing to fear, or to deter them from giving the most pernicious counsels their ambition or personal interests may prompt them to. They have no accounts or after-reckonings to settle with the public, whom they have oppressed or betrayed; if they have been able to flatter a weak prince into a favourable opinion of their services, or to persuade a wicked one, that their incapacity was the effect of a zeal for his person, and an implicit obedience to his commands, they are sure to be honoured and

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carressed at court, while, perhaps, they are execrated and detested throughout the nation.

How far the doctrine of a free government, retaining a dernier controul over the executive power, was applicable to the constitution of this country, was a subject worthy of the particular attention of the House, because it was a matter most intimately connected with the subject of debate of the present day. The controul he alluded to was the inquisitorial power vested in that House; a controul which he presumed no gentleman present would deny had been so beneficially and successfully exercised upon many former occasions. It amounted fairly to this: We have confided in administration for the effecting such and such purposes, which can be better brought about by the few than the many; the trust is conditional; we, who have delegated the power, reserve a right to withdraw our confidence when we discover that it has been improperly bestowed or abused; a want of ability or integrity equally disqualify the persons intrusted, and subject them to punishment or dismissal, according to the particular circumstances of the case. He said, Parliament might forbear the exercise of this right of punishment and enquiry, but they could not divest themselves of it, it being of the very essence of the constitution; they had a right to exercise it in two ways, the one by way of prevention, the other judicially. It was the duty of Parliament to remove, upon good grounds, in order to put a stop to further evils. Wicked and weak counsellors were proper objects of removal in the first instance; of condign punishment upon a constitutional investigation, and legal proceedings, in the second. Parliament stood between the people and the executive power, and it was only through that medium the people could constitutionally seek, or legally obtain, redress.

He was free to acknowledge that the motion of the present day was founded strictly in the principles he had now laid down; it looked immediately to removal, as the first step to enquiry and consequent punishment. It might be said, and he expected to hear it urged with all imaginable confidence and plausibility, 'What! criminate without cause, and punish without proof. Would you condemn a person absent and unheard?' The proper answer to these questions would depend upon the sense of the House. It would rest solely with the House to judge whether the facts he should state offered good ground of crimination. If it did, it would after

after rest with the House, whether the proofs were sufficient to support a public accusation, or parliamentary impeachment. It would rest with those whom the constitution had appointed to decide in the last instance, to declare whether the party or persons accused were guilty; and to direct the nature and extent of the punishment.

Ministers had hitherto evaded every thing which could possibly lead to an inquiry into their conduct, by refusing every document necessary for their acquittal or conviction; every thing which might lead to proofs of their guilt or innocence. The papers which he moved for some days since, relative to any information they might have received concerning the equipment of the Brest squadron, afforded a recent proof of the truth of this assertion. The fate of that motion was, that it received a negative; and he presumed that many gentlemen who voted in the majority on that occasion, voted merely on the reason assigned by the noble Lord in the blue ribbon. 'That the disclosing secrets of state, which must be the case if the papers then moved for were granted, would be dangerous, and might prove of the worst consequence.' This plausible objection would be removed. That is, the information necessary to support the proposed motion he meant to make, would be grounded on the evidence on the table, which contained no secrets of state; secondly, the answers he expected to receive to the questions he proposed to put to his honourable relation near him, would supply, he trusted, what was deficient in the papers; and, thirdly, nothing would or could come out but what was known to all Europe, and every gentleman present, who turned his thoughts to the subject.

He then proceeded to state his facts, and point to his conclusions. His facts were, that although administration, or he would speak out, he meant the Earl of Sandwich, the first lord of the admiralty, had, in the month of November 1777, not by a casual expression, which dropped from him in debate, but repeatedly in answer to doubts started and assertions to the contrary, made by several persons in a certain respectable assembly, [House of Lords,] solemnly affirmed, and pledged himself in his official capacity, that there were then thirty-five ships of the line ready for sea, and fit for actual service, and seven more in great forwardness, which would be ready for sea in a fortnight; notwithstanding which, early in the month of March following, when the honourable admiral, by the desire of his sovereign, went to Portsmouth

Portsmouth to examine the state and condition of the ships, there were not more than six ships of the line in a state fit to meet an enemy. That after that period great diligence was used; yet, in the month of June, the force actually ready for sea was little superior, if at all, to what it had been stated in the preceding November. That early in the month of June, Admiral Keppel was sent to cruize off the coast of France with twenty ships of the line only, though by the papers on the table, taken aboard the Pallas and Licorne, it appeared there were then twenty-seven ships of the line lying in Brest water, and five more in great forwardness; so much so, that the whole thirty-two were at sea early in the month of July, which force was accompanied by a much greater proportion of frigates than the British squadron, the number being fifteen, including those which were cruizing off Brest harbour. He then corroborated the facts stated in this narrative, by reading such parts of Mr. Keppel's defence upon his trial as directly applied to, or served to confirm them. We should have taken notice, that the papers taken aboard the Pallas and Licorne were read, and contained an order for providing anchorage in Brest water for twenty-seven sail of the line, stated their rates, the flags to be borne aboard them, and that anchorage would be likewise wanting for five more, not then ready. The line of battle consisted of one of 113, one of 106, eight of 84 and 80, twenty of 74 and 64, one of 56, and one of 50 guns.

The conclusion which this state of facts supported was obvious to the most middling capacity, and must equally strike the meanest as the most enlightened understanding, which was, when Mr. Keppel sailed from Plymouth on the 9th of June, with twenty ships, with orders to cruize off Ushant for so many days, the admiralty-board must have known that there were then thirty ready to proceed to sea in Brest water, or they were ignorant of the fact. If the former, it was an act of the highest criminality, to risk the fate of this country on so great a disparity of force; nay, allowing that the French had but twenty-seven ships ready for sea, the admiralty-board were no less blameable. Had an engagement happened, which must inevitably have been the case had not Mr. Keppel returned into port, the consequences would probably have proved fatal to the naval power of this country. If the western squadron had been defeated, it would have probably gone to the exterminating the seeds of a navy of this country; our trade would have been

been ruined, our coasts would have been insulted, and there would be nothing to prevent d'Orvilliers from burning and destroying our two great naval arsenals, Portsmouth and Plymouth. On the other hand, presuming that the first lord of the admiralty was ignorant of the real naval force of France in the Bay, would not the consequences to the nation be the same? And was not his conduct equally criminal? Negligence in persons in high trust, to whom the safety and protection of the state was committed, was not like negligence on ordinary occasions; negligence in such men amounted to criminality, and for persons in high and responsible situations to plead ignorance, in justification of their misconduct and neglect, was, in fact, acknowledging themselves guilty. But this present motion not being immediately directed to punishment, but removal, it was enough for him to maintain and prove, that the fate of this nation was committed to an unequal contest, and that those who had wilfully or undesignedly led the nation into so hazardous a situation, ought instantly to be removed, as unworthy or unequal to the trust committed to their charge.

It might be said, Is not removal a kind of punishment? In some instances it certainly is not. Here it is meant as some degree of punishment, or rather leading to it. The removal is incidental, not directly personal, because the object is the preservation of the state; the measure of removal is the measure adopted to the attainment of that object. He said, the journals of Parliament contained several precedents of motions of removal, not proceeded with by evidence amounting to criminal conviction. Such were the cases of the Duke of Lauderdale and Lord Danby, in the reign of Charles II.; of Lords Somers, Halifax, and Portland, in that of King William; of the Bishop of Worcester, in the Queen's reign; of Lord Orford, in the late reign; and of several others, whose names he did not immediately recollect. The propriety of the proceeding was manifest; for if the mischief was great, and the evil alarming, and no other timely remedy could be applied, removal was the only step that could suspend, or put a period to the evil. In the present instance, therefore, if the grounds of complaint were sufficient to support the resolution, it called for nothing more to justify removal. It might be said, Are further proceedings to stop here? By no means. His motion was this, he said: "That it appears to this House, that the sending Admiral Keppel in the month of June last, to a station off the coast of France, with

a squadron of twenty ships of the line, and four frigates, at a time when a French fleet, consisting, as there is great reason to believe, of thirty-two ships of the line, and certainty of twenty-seven, with a great number of frigates, was at Brest, and ready to put to sea, was a measure greatly hazarding the safety of the kingdom, without any prospect of an adequate advantage." He was free to acknowledge, that if he carried this motion, he would follow it with another for the removal of the first lord of the admiralty: and it would then rest with that House, whether the facts stated in his motion would not furnish matter sufficient to found upon it a parliamentary impeachment.

He had thus declared his objects without reserve; he looked upon Lord Sandwich to be the head and mouth of the admiralty-board, and of course in every sense responsible for its conduct; and he was the more urged to say so, because it would serve to shorten the debate, and prevent the several members of that board, who were present in their places, from entering into personal justifications. In their judicial and ministerial capacity they were only responsible; but as they had no direct communication with the sovereign; as they were not admitted to his councils; as their advice was never sought nor taken; as no one part of the proposition stated in the motion, though fully proved, could reach them; he did expect that the gentlemen, occupying seats at that board, would not take up the defence of their own conduct, as a proof of the innocence of the first lord of the admiralty. If they could controvert the facts, or justify them, in that case the subject lay open to them, as it did to every other member; but as they were not answerable for the state of the navy in June last, or at any preceding period; as it was not by their advice the squadron under Mr. Keppel was sent to sea; as they could not, in the usual exercise of the powers or functions of their office, be acquainted with the state and condition, the number and strength of the Brest fleet; in fine, as they were ignorant of the counsels which dictated the measures of sending Mr. Keppel to sea, they must, from these several circumstances, be exculpated from all blame on that account, at least, from any thing which at present appeared to the contrary. The measure, whether wise or injudicious, presented itself to them, after it had been considered, matured, and determined upon elsewhere. They might retain contrary opinions, but, as a matter of state, previously decided upon in his Majesty's councils, they had nothing to do but to obey. The noble Earl

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at the head of the admiralty, having all the necessary information, could only decide, and be only responsible, and consequently he expected to hear that sort of justification which went to the measures and conduct of the noble Lord, only relied upon.

He did not wish to be understood, for he was persuaded of the contrary, that although Mr. Keppel had been defeated, and a descent made on this kingdom in consequence of that defeat, that a conquest would ensue; but he submitted to the House, the very perilous situation this nation, in such an event, would be reduced to; and how incumbent it was upon the House to pass a marked censure, and express the strongest displeasure at the conduct of those who had staked the fate of this country on the issue of so hazardous and perilous a contest. In the first instance, the possibility of having the seeds of all future navies, as it were, exterminated; in the second, putting us to the hazard of contending for our all with a raw, undisciplined militia, just embodied, and a very inadequate military force, mostly composed of cavalry. He would not carry his ideas as far as those entertained by the French, that a landing once made, the contest would only be, who should possess the Tower of London; but he would say thus much, that without an army, without posts, without fortresses to interrupt them in their march from the water-side, our situation would be indeed terrible, and truly alarming. No man trusted more to the spirit and native bravery of Britons than he did; yet he could not help thinking, that in the two possible, nay probable events, of a partial destruction of our naval force, and an invasion under the circumstances described, the ruin of our trade and commerce then returning from the four quarters of the globe, to the amount of many millions, our want of military preparation and internal strength, the effect the whole must have upon public credit, the facility of landing on our coasts, and of pouring in troops from time to time, to almost any amount, the means of supplying them with provisions in a few hours, till they had gained a footing in the country, held out such a just picture of what might have been the consequences of a defeat at sea, as fully justified the highest censure of that House, on the authors of a measure, which risked at once our dearest interests, our independence, nay, our very existence as a free nation.

He commented on the part of the admiral's defence which he had read soon after he rose, and contended next that their treachery to their country, the persecution and prosecution of

of that gentleman, demanded the utmost indignation of that House. He went into a variety of argumentative proofs to shew, that instead of trusting to an inferiority in any engagement in the narrow seas, on which the fate of this country might possibly depend, we should, as an act of necessary prudence and policy, always endeavour to have a decided superiority. Our insular situation, the nature of our internal defence, demanded such a precaution; nay, it was the very idea of the noble Lord himself [Sandwich], who said, that we should not only be superior to France alone, but that no person was fit to preside over the naval department, who did not, at all times, take care to have a naval force superior to that of the whole House of Bourbon united.

He begged leave to repeat, that he wished for the fullest proofs of the truth of the facts stated in his motion; but ministers had refused them under various pretences. The House acquiesced in that refusal, and he had no more to say on the subject, so far as it respected what had passed. The noble Lord in the blue ribbon, besides saying that the papers called for would give improper information to our enemies, said, that those papers would be necessary for the justification of ministers. The moment was then arrived, when they were called upon by the nature of the motion, to produce them in their own defence. If they refused it, would it not be *prima facie* evidence, that the production of them would make against and not for them? They were refused in a very thin House, but from the present full appearance, he trusted that the House would call for them, or draw the obvious conclusion. Be that as it may, if he could not procure the very best proofs, he had submitted to the House the next best evidence, namely, the papers taken aboard the Licorne and Pallas, further corroborated, confirmed, and explained, by the testimony of the honourable admiral in his place. With that intention, and with the permission of the House and his honourable relation, he would put such questions to him, as he thought were necessary to prove to its satisfaction, the two leading facts stated in his motion, that of the number of ships under the honourable admiral, and the force under the command of Mons. D'Orvilliers, the day the former sailed from Plymouth.

Admiral *Keppel* rose, and expressed his feelings on his present embarrassed situation. He said, he was called upon by his honourable friend to answer to several questions, which he was satisfied would fall short of the necessary information. He never would, upon any provocation, disclose those secrets intrusted

entrusted to him as a professional man. As for the information stated out of his defence, it was to the best of his knowledge strictly true. He was called into the King's closet in November 1776, and consulted by his sovereign. He gave him his opinion like an honest man, at the time, but heard no more on the subject, till called upon by his sovereign last March; the consequence of which was, that he was appointed to the command he still retained; but, to his great disappointment, when he arrived at Portsmouth, he did not find above six ships of the line "fit to meet a seaman's eye." He acknowledged, that great exertions soon succeeded; and that, considering the state of the navy at the period alluded to, compared with what it was three months after, the conduct of the admiralty-board merited approbation.

He then proceeded to state several particulars mentioned by Mr. Fox, till he came to the taking of the Pallas and Licorne, where the papers read at the table were found. He affirmed, he was never more hurt or distressed in his life, than on the struggle which arose in his breast upon the occasion; a struggle between his feelings and his honour, and his duty to his king and country. His love of his country, however, at length prevailed, and he turned his back on his enemy for the first time. He returned to his native country with grief and anxiety, and lamented that the public safety made it necessary, or that fate should have determined that the severe lot had fallen to his share.

He was severe upon administration; said, he had been open and explicit all along; and that he little expected that when he had opened the real sentiments of his heart to the first Lord of the admiralty, any intentions to ruin and betray him were in contemplation. He said, he was not conscious of giving any cause of offence, unless pointing out to administration where they were wrong, not for the purpose of finding fault, but in order to prevent the like in future. When he determined to return home, he threw himself on the judgment of his country, whose safety and protection was his principal object; for, he said, had he followed his own feelings, he certainly should not have returned, be the consequence what it might. He went into several other particulars, in the course of which he bestowed the highest commendations on the conduct of Lord Howe. He disclaimed all connections with administration, at any time; and said, that, considering his state of health, and the uniform conduct of the admiralty-board, it would not be prudent, nor in

any way consistent with his honour, to serve again under the present board of admiralty.

Mr. *Fox* now proceeded to put the questions to him, as a member, delivering his testimony in his place. The first question he put was, How many ships of the line had he under his command, when he sailed from Plymouth?—— Twenty. How many frigates?——

Here Mr. *Brett* rose to desire that the questions might be taken down in writing. The noise being very great, Lord North and Lord Howe rose at the same instant, but the first thing that could be heard was Lord Howe's desiring that the honourable Admiral's evidence might be taken down in writing.

Lord *North* objected to this proposition; said, that no notice having been given that witnesses were to be examined, it was extremely improper. It would amount to evidence only on one side; and if any motion was meant to be engrafted upon the evidence thus given, the House could come to no resolution upon it, because it was no more than partial evidence. He did not apply the word partial to the honourable Admiral, but merely to preserve the order and regularity of proceeding, which in matters of accusation always supposed, before any decision was had, that witnesses were examined on both sides.

Sir *Grey Cooper* adopted the same idea, and contended, that no step in a criminal prosecution could be taken till the party was informed of the nature of his accusation, in order that he might be enabled to repel the charge by contrary testimony.

Mr. *Fox* replied, that his motion contained no matter of criminal accusation; that, in its utmost extent, it led only to removal; that another species of evidence must be adduced to support a criminal accusation; consequently, that the principle laid down did *not* apply. The House, when the evidence was given, would be the best judge whether it was sufficient to support his motion upon a plain matter of fact; if, in the month of June last, Admiral Keppel received orders to proceed off Ushant with twenty ships of the line, while there were for certain twenty-seven ships of equal force lying in Brest-water;—and if this fact was proved to the satisfaction of the House, his motion must go; and then the question of the noble Earl's removal, as first Commissioner of the Admiralty, would next present itself to the consideration of the House.

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He begged leave to repeat, that removal did not imply legal guilt, or consequent punishment; that the spirit of the constitution, and the usage of Parliament, contradicted any such idea: that there were numerous precedents in support of this doctrine, and particularly in the year 1667, there was one in point, when a charge of an offensive nature being made against the Duke of Lauderdale, one or more members rose in their places, who testified that they had heard him tell the King, that "your Majesty's edicts are superior to an act of parliament." What was the consequence? The House, against which the communication was made, instantly agreed to an address to the throne, to remove Lauderdale from his presence and councils for ever.

Mr. *Cornwall* objected to taking down the evidence of the honourable Admiral in writing; observing, that the precedent cited did not apply, only as to the removal; for it did not appear that the evidence alluded to in the case of the Duke of Lauderdale was committed to writing.

Mr. *Townshend* remarked with severity on the word *side*, used by the noble Lord in the blue ribbon. He hoped that, in a matter which concerned the safety of the state, he should have heard nothing of the word side; but now he was fully convinced, that the whole of the business was conducted on the principle of the word side; that side had sent out the Admiral with an inferior force; that side had refused to thank him for saving his country at the risk of his own honour and personal security; that side had depreciated the victory of the 27th of July, and called it a defeat; that side had instituted an ill-founded and malicious prosecution against him, as a reward of his high and meritorious services; that side had refused to testify any mark of displeasure at the conduct of his accuser; that side had, on the contrary, shewn every mark of approbation to the accuser, and afforded him all the protection they dare, consistently with their own immediate interests; and that side, by the same spirit of rancorous persecution and malice, was determined to drive the Honourable Admiral for ever from the service of his country. He spoke likewise to the point of order, and said it was to the highest degree absurd to talk of receiving evidence, and refuse the making any use of it, which must be the case if not committed to writing.

A most prodigious uproar now succeeded; order being, however, restored, the Speaker said, the evidence must, if received, be committed to writing.

Lord *Howe* proposed that the questions, as well as answers, should be taken down.

Mr. *Byng* quoted a precedent in point from the journals, on a debate upon the miscarriage of the last Dutch war, when the Duke of York, afterwards James the Second, commanded; for, upon a question of fact arising in the House, it appeared in the journal, which was read by the clerk, that evidence was immediately called for, given, and taken down in writing.

Lord *North*, in reply to Mr. Townshend, on the word *side*, called upon the Speaker; who answered, that no question could be taken down in writing, in order to frame a motion upon the evidence, unless the House was in a previous inquiry.

Mr. *Byng* appealed again to the precedent recited, and added another respecting the examination of the Sheriff at the bar, in the case of the Brentford riot, at the Middlesex election. He observed the very disorderly, unfair manner, the House had proceeded, in respect of the right honourable Baronet over the way [Sir William Meredith], who had presented himself three or four times to the House, and though he had a paper in his hand, which he presumed was a motion, he was as often obliged to sit down, and two or three times to give way, particularly to the noble Lord in the blue ribbon.

Mr. *Attorney-General* took up the precedent so much relied upon by the honourable gentleman who spoke last. He said, it appeared by the precedent, that there was a committee sitting at the time of the miscarriages on the Dutch war, and that the evidence given before the House was referred to that committee.

Sir *William Meredith* then moved, "that Admiral Keppel's evidence be taken down by the clerk."

Lord *North* rose in warmth, and said he had a motion to make as well as the right honourable gentleman; it was not indeed committed to writing, and if the honourable gentleman made his, he would move the one he intended by way of amendment. His amendment was, "there being no inquiry instituted by the House." He then used several violent expressions, and after observing that the Speaker had already given his opinion against committing the evidence to writing, made use of the following words: "The House is bound by the authority of the chair in all cases whatsoever."

Mr.

Mr. *Fox* moved, that those words be taken down. This gave birth to great noise and confusion. The words given to the clerk to be taken down, were not the exact words spoken; the uproar being too great for the clerk to hear, or the members to recollect.

Lord *North* to palliate, but refused in effect to explain; but at length he qualified the expression, in the following manner: "The House is bound by the power of the chair in almost all cases, if—and here he said he was interrupted—if the House should so determine!"

This apology was accepted.

Mr. *Dempster* called upon the chair to give his opinion. He contended it was his duty, and in the warmth of expression said, if he refused, he would complain of him to his [Mr. D.'s] constituents.

Sir *Fletcher Norton* then rose, said he had no predilection one way or the other; that in the performance of his duty he cared for neither side of the House; that he did not dip in the politics of any or either party, and he called Almighty God to bear witness, that what he was going to say, proceeded from his real opinion. His opinion then was, that the evidence could not be committed to writing, without there had been an enquiry before the House.

The question being put, after three hours debate and altercation upon Lord North's amendment, it was carried, by a majority of 208 to 169.

As soon as the members returned into the House, the question was put on Sir William Meredith's motion thus amended, which passed in the negative without a division.

Mr. *Fox* then proceeded to put several other questions to Mr. Keppel, which were answered substantially, as he had stated them in his speech.

He observed, as soon as this scene was closed, that the motion for taking down the questions and answers in writing, was lost by the opinion delivered from the chair. He was satisfied that the chair had acted strictly impartially; yet, he could not help observing, that the chair, when first consulted, answered without reserve, "that the evidence ought to be taken down by the clerk."

The *Speaker* replied, that the honourable gentleman had omitted the latter part of the sentence, which was, "if the House was in an enquiry."

Mr. *Fox* resumed his speech. He declared, he was perfectly satisfied with the proofs contained in the answers given

by his honourable relation, that the fleet sent under his command was considerably inferior to that of France then preparing to sail from Brest. He descanted, for a considerable time, on the negligence, obstinacy, or designed treachery of ministers, their credulity in trusting to the assurances of France, when so often warned from that side of the House; and when they had actual information of the formidable naval armament going on at Brest and Toulon; their indolence and unpardonable inattention to the measures necessary for our home defence, and the security of our distant possessions and dependencies.

To conclude, the only defence which administration could set up was, either to plead that they did not know the effective strength of France, or that they did; in either of which cases, he should leave it with the judgment of the House, whether their conduct was not highly culpable? And whether, in the first instance, they ought not to be immediately removed, particularly the noble Lord, who was, from his office, more particularly responsible for the measures pursued and adopted in his own proper department? His motion, as he observed before, did not go so far as the noble Lord's removal; but, if it should meet with the approbation of a majority, he meant most certainly to follow it with a proposition to that effect. He then delivered his motion in at the table, which see at the bottom of page 29.

Lord *Mulgrave* made a very long defence. To the written proofs on the table, he replied, that they were the most loose and indefinite imaginable. They were without date, and contained no more than an order to the pilots to provide anchorage for so many ships of such and such rates; but no proof that any such ships were in existence: nay, to come to the fair conclusion, the paper proved the contrary; for it contained evidence, not that the ships were ready for sea, but that anchorage for them in Brest water was ordered, when they should be ready.

If the written evidence was defective, the parole evidence of the honourable Admiral in his place, must be equally so; because it was founded on the written. It is true, the honourable Admiral had gone into a variety of matter not at all connected with the motion on the table. It might, if correctly stated, have been admitted as proof of previous negligence, but did not apply to the period mentioned in the motion, which was specifically confined to the state and condition

dition of our naval force in the month of June. Indeed, in his opinion, the honourable Admiral might have as well introduced the history of his whole life. His counsel might have advised him to it in their professional capacity, a matter very proper to be introduced into his defence, upon a criminal prosecution, otherwise, were the honourable Admiral to follow his own judgment, he was convinced he would have contented himself with replying to the charges made against him, independent of any extraneous matter.

Here his Lordship entered into a long detail of proofs, to shew, that the fleet in the preceding November, as had been affirmed by a noble Earl in another assembly, consisted of 35 ships of the line ready for actual service, and some more in such a state of forwardness as to be ready in a few days. He named the ships, their rates, &c. and instead of thirty-six or thirty-eight, according to the assertion of the honourable gentleman who made the motion, he said the number amounted to forty-four actually ready in June, four more ready in a few days, including those left behind and those ready for sea which afterwards joined the Admiral, before the engagement of the twenty-seventh of July, making in the whole forty-eight or forty-nine.

In answer to the charges of criminality or neglect, he said there was no proof of either. The fleet under Mr. Keppel consisted of twenty; that actually ready for sea at Brest, but of seventeen; so that by every rate of naval warfare established in this country, he had a right to say, that twenty ships of the line, with a large proportion of three deckers, might, without any imputation of a crime, be thought a match for seventeen French.

He said, there was one circumstance which happened, that confirmed him more than any other, that the French fleet, even so late as the 23d or 24th June, was inferior to the western squadron; that was, the merchantmen, which were permitted to pass unmolested through the squadron, the day the Pallas and Licorne frigates were taken. The strength of the British fleet must have been known to them. Why then if the Brest squadron had such a superiority, as thirty-two, or even twenty-seven, why not instantly proceed to sea in quest of the British fleet? What was the consequence? Though M. D'Orvilliers was in possession of this information, he did not quit Brest water till the 8th of July, a period of almost three weeks after the receipt of this information,

The honourable Admiral had said, when he found the strength of the French fleet, though he did not call a council of war, as by the custom of the navy such councils had fallen into disuse, he had consulted several of his officers, what was most fit to be done, who were of opinion, that it would be most proper to return.—All he could say as to that was, he had not consulted him.—He was separated from the fleet, and when he opened his orders, though he did not approve of them, he chearfully obeyed and acquiesced, under the idea that the honourable Admiral's long experience enabled him to judge and determine, what would be most likely to advance the service.

His Lordship then gave an history of the conduct of Lord Hawke, who chearfully undertook a similar service, with six ships only, in the summer of 1758, when a rumour had been spread, that France was preparing to invade us, on a cruize of fourteen days, when administration sent out orders to him to return. Those orders, however, never reached him; and the Admiral did not return till he performed the service he was sent on, that of watching the motions and learning the strength of the enemy, and protecting our trade. His Lordship read a copy of an answer of Lord Hawke to the admiralty-board, in which that able and gallant seaman told them, that he would never return into port, or neglect his duty, when the enemy had only a trifling superiority.

He treated the bugbears raised by the honourable gentleman who made the motion, of the fatal consequences of a defeat, as the mere creatures of a warm imagination. He presumed, that even if the worst had happened, that Mr. Keppel had been defeated, the enemy would not have procured a victory so cheaply, as to be ready to follow it with the burning of our naval arsenals. On the contrary, it was probable, that in such a conflict, they would be so roughly handled as to return to their own ports to refit.—The only engagement in which the French proved victors at sea, was that under Lord Torrington, off Beachy-head, in King William's time; and then, instead of pursuing the advantage they had gained, or attacking of Portsmouth or Plymouth, instead, in the language of the honourable gentleman, of attempting "to exterminate the seeds of all future navies in this country," they contented themselves with the honour of the victory, and retired, very prudently, to their own ports, in order to repair the damages they had sustained in battle.

His

His Lordship concluded with reserving to himself the liberty of again rising to explain, or reply to any objection which might be made to the facts and arguments he had now stated.

Admiral *Keppel* replied, and began with remarking that the noble Lord had called his defence uncommon, and had said that he might as well have given the whole history of his life in it, as many things he had thought proper to offer to the court. The noble Lord had also said that it would have been more proper for him to have trusted to himself, and that he was not, in his opinion, obliged to his advisers. He entertained very different sentiments; he thought himself highly indebted to his counsel, and as long as he lived should own his gratitude to them, and consider that but for them he might have fallen a sacrifice to one of the most uncommon attacks that ever was made on an officer. The noble Lord seemed to have forgot that his defence did in fact contain the history of his life, for that he had mentioned in it his forty years services. The noble Lord said that he never consulted him upon the subject of his return to port. It was very true. The noble Lord was a young officer, and he would not put him to the difficulty of giving his opinion on the subject. Young men were generally eager to fight, and knew not what prudence and discretion meant. It was right to send them out where bravery and personal exertion were the only requisites, but it was wrong to place them in situations that demanded thought, deliberation, and judgment. He did not much regard the sentiments of young officers on points respecting which officers of great experience were only competent to judge, but he had heard, since he last came home, that the noble Lord disapproved of his return for a reinforcement.

The noble Lord had alluded to the conduct of Lord Hawke, in what he deemed a similar situation, in the year 1758; he wished the noble Lord had recollected the circumstances, and considered how far the two situations did or did not agree. Was Lord Hawke sent out to meet a powerful enemy? What were his instructions? What were the objects in view in sending him out? The noble Lord, if he was acquainted with those instructions, could easily distinguish between the difference of object and difference of situation. He was a young officer himself aboard Lord Hawke's fleet. He well remembered they did not go out to fight the French, but to watch them. He made no doubt if the noble Lord, who commanded that little squadron, had met with the enemy, that he would not have turned his back upon them on account

count of a trifling superiority, but he should be very sorry to hear that great naval officer ever represented and held out that false supposition, by way of example, as ready to rush upon inevitable destruction, sooner than turn his back upon an enemy whose decided superiority would ensure them certain victory.

The only colour of defence set up by the noble Lord was, that we not only had an equality, but there was no evidence that we had not. The first was evident, for if there had been either thirty-two or twenty-seven ships of the line in Brest-water, the French merchantmen, which were permitted to pass through our fleet unmolested, having given intelligence, if the French fleet had been ready to go to sea, they would instantly have let slip their cables and taken advantage of their superiority; and as to the written evidence, printed without date, &c. it amounted to just nothing; it might relate to any other fleet, or any other circumstance, as well as that to which it was applied.

On the first he must observe, that it would have been a measure extremely hazardous for D'Orvilliers to trust himself to sea with twenty-seven or even thirty-two ships of the line, until he had authentic information whether Admiral Byron had left the Channel, and was on his way across the Atlantic; the wind besides might not be favourable for leaving Brest; and the truth was, that as soon as Mr. Byron's destination was known at Paris, and that orders reached Brest for the squadron to proceed to sea, D'Orvilliers immediately weighed anchor. It was not the mere sailing from Plymouth of Mr. Byron that determined the resolution of the French cabinet, but a moral certainty of the destination of the force under his command. How was it possible for the merchantmen to report more than they saw? that they had met with a British fleet of twenty ships of the line, with three flags; or how could the minister of marine, upon such information, hazard the fleet of France, till he was perfectly satisfied the British naval force was divided, and that, instead of twenty, there might not have been actually under his command thirty-five, for so many, including the two ships left behind, were then actually fit for sea.

As for the noble Lord's comments on the written evidence, his Lordship must have known that it was not the papers found aboard the Pallas and Licorne that solely determined his judgment of the effective strength of the French fleet, but the examination of several prisoners examined separately, who

who all agreed in the same account, that, when they left Brest some days before, there were twenty-seven ships of the line ready for sea, and five more in a great state of forwardness; and he appealed to the noble Lord himself, whether it was possible for those five ships, if they had not been nearly ready for sea, to have sailed out of Brest on the 8th of July following, equipped for the battle.

The noble Lord had laid great stress on the impropriety of an officer declining to meet an enemy with a trifling superiority against him. He agreed so far with the noble Lord, that a trifling superiority, in the opinion of the commander, ought to be always balanced by a proper confidence in the skill, spirit, and native bravery of the officers and seamen under his command. When he sailed from Plymouth he went fully impressed with this idea. He was informed that the Brest fleet consisted of no more than seventeen sail of the line fit for actual hostile service; but, however confidently this assurance was given him, he measured them in his own mind at twenty-four; and in that opinion was determined not to avoid them: but when from the papers on the table, and the accounts received from persons taken on board the frigates, he was convinced that the French force consisted of twenty-seven, for he confessed he did not rate it higher (though he is now satisfied that it consisted of thirty-two) he thought it his duty most reluctantly, so far as it concerned himself and the honour of the British flag, to return into port for a reinforcement, and not risque the honour and dearest interests of this country in so unequal a contest. If fate had otherwise determined, and that the squadron under his command had been obliged to contend with such a superiority of force, though he dare not answer for the event, he was firmly persuaded that the victory, if that should be the case, would be dearly purchased; and that the British seamen would do every thing which the most sanguine expectations could promise from men overborne by superior force and numbers.

Sir *Edward Dering* mentioned his long acquaintance and personal obligations he owed to the first Lord of the admiralty, against whom the present motion was manifestly intended, and his honourable friend who spoke last; but if Parliament, or that House, had any controul over the executive part of government, he was clearly of opinion that there was evidence sufficient before the House to justify the present proposed vote. Was there a man in the first instance

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in the House who could fairly lay his hand on his heart, and say that the French was not superior to us at sea, as soon as Mr. Byron left the Channel in his way to North America? Was there a second, taking in all the circumstances of risque and evident danger, who could say that the noble Lord, who had led the nation into this perilous situation, was any longer fit to preside in our marine councils?

Sir Edward, in the course of his speech, let fall a great many expressions promotive of mirth and good humour; but there was mixed with this extraneous matter no small portion of quickness of conception, and a particular shrewdness of observation; both of which gave birth to the following speech of Lord North.

Lord *North* said, he was not surprised at what had fallen from the honourable gentleman who spoke last. Honourable gentlemen who were absent from the debate, or being fatigued from sitting up late, or from any other cause, had thought proper to refresh themselves, came down in good humour to give their own opinions, but frequently mistook the question, being totally ignorant of what had passed while they were away. The honourable gentleman who now sat down—Here his Lordship was peremptorily called to order from every side of the House.—He begged pardon, he said; all he meant to say was, that gentlemen frequently mistook the question, and he hoped that was not disorderly.

His Lordship now proceeded to consider the question as it fairly presented itself to the House. First, whether there was evidence to support the motion; secondly, if there was evidence, whether the admiralty board, from the general situation of public affairs, was not fully justified in their conduct?

On the first of those his Lordship made a very elaborate speech, containing not a syllable of new matter, but merely the facts and arguments stated and urged by Lord Mulgrave, dressed up in different words, pressed with remarkable energy and confidence, and strewed up and down with personal attacks and observations on the honourable gentleman who made the motion.

He said, the paper found aboard the frigates contained only an order to provide anchorage; that if the Brest fleet was superior, it would not have remained in harbour till the 8th of July, after receiving information of our real strength by the merchantmen which were suffered to pass unmolested; and that, consequently, instead of there being any proof that there were thirty-two, or even twenty-seven ships of the line

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in Brest water ready for sea, the evidence bore the other way; for the fair conclusion was, that, if they had so considerable a superiority over the western squadron, D'Orvilliers would have instantly proceeded to sea; that he did not so, and only sailed with thirty-two on the 8th of July, proved that he had no such force ready, and that he sailed on that day with no more than thirty-two, which was hardly probable, if there were thirty-two ready early in June.

The second question, allowing that the evidence on the table further corroborated by the testimony of the honourable Admiral in his place, had proved that there were thirty-two or twenty-seven ships of the line ready for sea at Brest early in June, whether the admiralty-board was justifiable in acting as they had. This might be divided under two heads. Did the admiralty know of this force? and, knowing it, were they justifiable in sending Mr. Keppel to sea? For his part, he knew of no such force being ready for sea at Brest at the period alluded to, and if it was criminal to be ignorant of that circumstance, as stated by the honourable gentleman who made the motion, he had the impudence, in the language of the same honourable gentleman, to avow his ignorance of the fact at the instant he was speaking.—But to come fairly and directly to the second question; supposing that ministers had known the fact, would gentlemen contend that in a war with France we were to run no risque? Let gentlemen consider what this nation had at stake at the time, no less than the whole of the trade from the East Indies, Jamaica, the West Indies, and the coast of Africa. Fleets returning from Spain, Portugal, and the Mediterranean.—[Great disorder in the House at the mention of the word Mediterranean.]—Gentlemen might laugh, but indecent and unparliamentary as such a conduct certainly was, he declared that no noise or disorder should prevent him from pursuing his argument.—Attend then to the circumstances: though administration had the fullest and most specific information, that there were thirty-two ships of the line ready for sea when Mr. Keppel sailed with twenty, would it not be proper that Mr. Keppel should have been sent out, both as a convoy with the outward bound fleet, and in order to protect the several merchant fleets then daily expected to return from the different parts of the globe; so that taking the conduct of administration in either light, as knowing or not knowing the fact stated in the motion, which he must observe again was supported by no evidence, sufficient to warrant the House to come to the vote desired; their conduct was equally

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dictated by policy and prudence, if no such fact existed. Administration must have acted as they did; if the fact was as had been stated by the honourable gentleman, administration had adopted the measure as applicable to the then situation of affairs. The Admiral, indeed, had returned before the arrival of the first West India fleet, but he had no doubt, nevertheless, but his presence in the Bay, had facilitated its safe arrival.—After inforcing those arguments, in a variety of lights, his Lordship observed, that the present motion was meant to lead to a vote of censure on the first Lord of the Admiralty, in his official capacity; but he desired gentlemen, before they proceeded to a vote, to understand, that such a vote as that intended by the honourable gentleman to follow the present, would not be a censure merely of the first Lord of the Admiralty, but of all his Majesty's confidential servants.—He himself was equally criminal with the noble Earl; so was every other efficient member of the cabinet. If it was criminal to send out Admiral Keppel with twenty ships, he co-operated in the measure, and advised it, as well as the noble Earl. The noble Earl at the head of the admiralty was only responsible for his share. It was a crime in common, or no crime. Indeed, a case might happen, in which acting merely ministerially, the noble Earl might be obliged to execute officially what he had previously disapproved of in council, by being over-ruled by a majority of the King's servants. So that, whatever determination the House might think proper to come to, he wished to have it understood, as an inevitable conclusion, that there was no possibility, without being guilty of the most manifest injustice, of directing the intended vote of censure against any one particular member of the cabinet, without involving the whole in its consequences. If any member of the cabinet was censurable, on the present occasion, so was every other person who had a voice in his Majesty's councils.

The honourable gentleman had thought proper again to refer to words which had fallen from him in a former debate, relative to Admiral Keppel's return to port. It was unparliamentary, and contrary to order, to make such allusions, but as the honourable gentleman had been so disorderly, he must of necessity follow him. The honourable gentleman had, on a former occasion, declared that administration had blamed Admiral Keppel for returning to port; he had then felt it necessary to say, that he had never heard of any such blame; that no blame was ascribable to the honourable Admiral, for that the prudence and propriety of the measure

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was an ample justification of it. This expression had been much cavilled at; on what ground he could not possibly guess. The words were simple in their import, obvious in their application. Did the honourable gentleman mean to say that the honourable Admiral's return was not prudent and proper? Or what would he have had him said more immediately to the point? The honourable gentleman also had talked of the Admiral's instructions being with-held from him as a matter of defence on his late trial; and the honourable Admiral had himself repeated the assertion. Did not the honourable Admiral recollect what had passed on that head between him and administration? Did he not remember that, on his application, word had been sent him that any part of his instructions that went to the matter contained in the charge exhibited against him, which he should point out, should immediately be copied and transmitted to him, but that it was thought unwise and unnecessary to lay before the public his whole instructions just at present? Unnecessary, because much of them had no reference to the charge upon which he was to be tried; and unwise, because a publication of the instructions at large would disclose to the enemy matters of a very important nature, and highly proper to be kept secret. The honourable gentleman had also said a good deal respecting his having expressed a desire that the papers lately moved for might not be produced. Did the honourable gentleman recollect that he had himself in his speech declared, that the enquiry proposed going into, could be proceeded upon without those papers? The same objection still remained against the production of the papers desired. They might be the means of discovering our channel of information, respecting what was going on in the French naval arsenals. A period might arrive, and that perhaps not very far distant, when those papers might be produced with propriety and safety to all persons; whenever it should, he assured the honourable gentleman, that he would be one of the first to grant them, and if he had said that those papers would justify administration, as stated by the honourable gentleman, though he did not recollect that any such expression had fallen from him, he was inclined to think, he had not exceeded the bounds of truth. His Lordship concluded with giving his negative to the question.

Admiral *Keppel* replied to such parts of the last speech as particularly applied to his own conduct. He said, there was a remarkable sting in one of the noble Lord's expressions, which

which he hoped did not originate in design, though it did palpably in mistake and misconception, where he said, the main object of sending him out, was for the protection of the homeward bound fleets, but that he had returned into port, before the arrival of that from the West-Indies. If the noble Lord's expressions were to be trusted to as sincere, he had done right in returning, therefore, the noble Lord might with great propriety have spared the observation, and not make a charge, which, however softened, amounted to a charge of a direct breach of duty, and that concerning a point, which, in the language of the noble Lord, was the main object of sending him out. He begged leave to remind the noble Lord, that the protection of the returning trade fleets formed no part of his instructions, nor did he know any thing, that his command was directed to the safety of those fleets till after his return into port, when he received a letter from Mr. B-ston Long, chairman of the committee of West-India merchants. That was the first he heard of it, though he agreed with the noble Lord, that his appearance at sea might have proved of essential service in that particular.

He would recommend to the noble Lord, to be more careful in alluding to any part of his instructions, and to be doubly careful, not by inference and in the way of argument, to represent them as containing matter which they really did not; the latter was by no means defensible, and the former was uncandid. He looked upon himself bound, in the most sacred and solemn manner, not to divulge any part of them. He had hitherto carefully adhered to that idea, and was much surprised to hear his Lordship refer to them in debate, when he must know that he was tied up in honour, and from the nature of his situation, from giving such answers in justification, as the tenor of the instructions might warrant.

The noble Lord, in answer to what had been urged by his honourable relation, of such parts of his instructions as might serve him upon his defence, being denied him, said, that no part of them was denied, but such as did not apply to the charge, and would at the same time disclose to the enemy, matters of a very important nature, and highly proper to be kept secret. Would the noble Lord fairly undertake to say, upon recollection, that that was the true state of the case? He had too high an opinion of the veracity of the noble Lord to believe he would. The fact was, as it had been

stated by his hon. relation. He applied for leave to produce such part of the instructions, as had been described by the noble Lord, such as had only reference to the charge preferred against him, not for the instructions at large. He was refused it, as containing matter not proper for the public eye. He applied a second time, for other parts, where even a colour of objection did not appear against the granting his request. He proved unsuccessful in both applications. The first by a direct denial; the second time he received an answer, that it would be proper for the board to take time to consider. He never heard more on the subject, and was left to his defence without a part of it; which, if matters had taken a different turn from what they did, would have left him to an issue of life and death, while the most material part of his grounds of justification were withheld.

The noble Lord had laboured with his wonted ingenuity and ability, to impeach the evidence of the facts stated in the motion; but, in his opinion, very unsuccessfully. The printed papers he had treated as a mere matter inapplicable to the state of any existing fleet. Was that really the case? Did not it describe an existing fleet, which was at sea in a very few days after? Did it not contain a list of the names of ships, number of men, guns, &c. which engaged him on the 27th of July. If a paper containing the anchorage, or an order of anchorage, for his ships at Portsmouth and Plymouth, previous to his sailing, had fallen into the hands of the French, and that the ships therein named had met the squadron under D'Orvilliers, would not that paper furnish sufficient evidence to that gentleman and the French court, that there had been such a force in Plymouth and Portsmouth harbour? But he observed that the noble Lord was as eager to dwell on the insufficiency of the written evidence, as he was careful to avoid mentioning the information given by some of the sailors aboard the Pallas and Licorne, which was more specific and circumstantial. He transmitted that information to the admiralty board; why was not that produced? Or, if it did not come within the literal meaning of the order for papers, why did not his Lordship argue, with the same freedom, on the improbability of the parole testimony, as the written evidence? The reason was clear, the noble Lord knew that the facts stated in the paper were corroborated by the testimony of some of the crews of the Pallas and Licorne; that satisfied him of

the fact, and chiefly induced him to return; and he doubted, that there was a single person present, who was not persuaded, that the evidence was such, as taken together fully justified him in concluding, that there were twenty-seven, if not thirty-two ships of the line in the port and harbour of Brest fit for sea, on the day of the capture of the two French frigates.

He mentioned several other particulars, and said, that if he was ever to accept of a command again, he would take care not to leave the Channel with a westerly wind blowing in his teeth. It retarded the operations of the fleet; it gave the enemy the wind; it left them, in some measure, the advantage of engaging at pleasure, or returning into port, and of course counterbalanced every advantage of native bravery and superior skill on our side. He believed he should never again be put to the trial; for, considering the manner he had been treated by ministers, he could never think of resuming a command under them; because whatever his inclinations might be to advance the interests of his country, it would be impossible to do it effectually, so long as those who employed him withheld their confidence and protection.

Lord *North* apologized to the honourable Admiral; said he had not the most distant intention of alluding to his instructions, or a supposed breach of them. He was of opinion, that the honourable Admiral acted very properly in returning into port. When he spoke of the safe return of the West-India fleet, he only mentioned it as a fact, to shew the good effects of sending the western squadron to sea, supposing that it had been inferior to that of France.

Lord *Howe* entered into a professional investigation of what had fallen in the course of the debate from the two noble Lords.

He justified the propriety of sending Lord Hawke in the year 1758 to sea, with six ships only, to a certain station, to protect our trade, and to seek intelligence; because it was applicable to the then situation of affairs; but this was a very different measure, from sending a large effective squadron, the chief defence of the trade and kingdom, to meet a force infinitely superior.

If a squadron for mere intelligence and general protection had been sent out, it ought to have been a small one, which could have instantly retired homeward, without bringing any imputation on the British flag. It would have answered

every

every present purpose, and by the time that it chose or was compelled to return into the Channel, the grand fleet would have been able to proceed to sea to meet the enemy; and he was of opinion, that stationing a large fleet off the coast of France, was a very improper and hazardous measure. The ships, particularly the large ones, were liable to receive great damage, the crews got sickly, and if a strong southerly gale, or south east, or even south wester, should spring up, the fleet would be in great danger, particularly if it lay in with the French shore off Brest; because, in that event, it might be extremely difficult to weather Ushant. Indeed this reasoning applied to every given station that could well be imagined, where the purpose of defending our own coasts from an invasion was the principal object in view. He could affirm, from his own knowledge, that a station off Brest was a dangerous station, and should never be taken but upon great emergencies.

As to the idea thrown out by the noble Lord in the blue ribbon, that the sending Mr. Keppel to sea was by way of convoying the outward bound trade, it was quite new to him. If that was all that was intended, why not give him orders to convoy the fleet into the sea, and then return into port? On the other hand, he understood, that Mr. Keppel's instructions were to make a stationary cruize, within certain limits.

The general reasoning of the two noble Lords was indeed very extraordinary, the noble Lord in the blue ribbon in particular. He applauds the conduct of the honourable Admiral, for his returning into port, and at the same time contends, that his force was superior, that is, he grants the conclusion, but denies the premises from which that conclusion is drawn. If Mr. Keppel was superior to the Brest fleet, he merited censure, not praise, for turning his back upon an inferior enemy; if he was inferior, then the premises, which are the facts stated in the motion, are incontrovertibly true. Such are the absurdities men are drove to, when they find it their interest to deny what they know to be true. It is however an instance of the noble Lord's candour, to push his argument no farther than he thinks it necessary for his own defence, and that of his colleagues in office. His Lordship is conscious how unjust it would be to make such a charge as applying to the honourable Admiral's conduct, and how necessary it is for him to found his justification upon that ground.

His Lordship then entered into several particulars respecting the navy, and condemned the equipment of the ships, the manner of their being manned, and the impolicy of dismissing the midshipmen from the service during the late peace. He could easily therefore conceive the propriety of the honourable Admiral's expressions, that there was so few ships fit to meet a seaman's eye, when he went down to inspect into the state of the fleet at Portsmouth; for he believed there were very few which would be found to answer that description, in the opinion of those who had had an opportunity of knowing the state and condition of our ships towards the close of the late war.

Lord *Mulgrave* made a short reply relative to the want of petty officers; said that midshipmen had returned in great numbers to the service as soon as they were really wanting; and the lieutenants list was the clearest proof, that very few had been admitted to that rank, but such as had obtained it by the course of service necessary to a knowledge of their profession.

At a quarter past one o'clock the question was put, and the House divided, ayes 170, noes 204, and adjourned to the next day.

A List of this Division.

For the motion.		Against the motion.
E. of Upper Ossory	*Bedfordshire*	Lord Ongley
Sir W. Wake	Bedford Town	Samuel Whitbread
John Elwys	*Berkshire*	
H. W. Hartley	*Ditto*	
Francis Annesley	Reading	John Dodd
	Abingdon	John Mayor
Hon. J. Montagu	Windsor	
John Cater	Wallingford	
Farl Verney	*Buckinghamshire*	
Geo. N. Grenville	*Ditto*	
James Grenville	Buckingham	
	Wycombe	Robert Waller
John Aubrey	Aylesbury	Anthony Bacon
	Marlow	Sir Borlase Warren
	Ditto	William Clayton
	Wendover	Henry Drummond
	Cambridgeshire	Sir Samp. Gideon
Marquis of Granby	Cambridge U.	

For the motion.		Against the motion.
Richard Croftes	Cambridge U.	
	Cambridge T.	Soame Jennyns
	Ditto	Benjamin Keene
John Crewe	*Cheshire*	
Sir William Lemon	*Cornwall*	
	Launceston	Rt. Hon. H. Morice
	Ditto	John Buller
Samuel Salt	Liskeard	Edward Gibbon
	Lestwithiel	Viscount Fairford
	Ditto	Thomas Potter
George Boscawen	Truro	Bamber Gasgoyne
George Hunt	Bodmyn	Sir James Laroche
	Helston	Francis Cockayne Cust
	Saltash	Sir Grey Cooper
	Eastloo	John Buller
	Ditto	William Graves
	Westloo	Sir William James
	Camelford	John Amyand
	Penryn	Sir George Osborne
	Ditto	William Chaytor
	Bossiney	Hon. Charles Stuart
Philip Dehany	St. Ives	
Philip Rashleigh	Fowey	
	St. Germaine's	Benj. L'Anglois
	Ditto	John Peachy
Hon. Tho. Howard	St. Mitchell	John Stephenson
	Newport	Richard Bull
	Ditto	John Frederick
	St. Maw's	Earl Nugent
	Ditto	Hugh Boscawen
	Callington	William Skrine
Henry Fletcher	*Cumberland*	
W. Spencer Stanhope	Carlisle	
James Adair	Cockermouth	
Lord G. Cavendish	*Derbyshire*	Hon. Nath. Curzon
Lord F. Cavendish	Derby	
John Parker	*Devonshire*	
Robert Palk	Ashburton	Charles Boone
Lord Vis. Howe	Dartmouth	
Richard Hopkins	Ditto	
Humphry Minchin	Oakhampton	Richard Vernon
Sir George Yonge	Honiton	
	Plymouth	Lord Lewisham
	Ditto	Sir Chales Hardy

For the motion.		Against the motion.
	Berealston	Sir Francis Drake
Lord Milford	Plympton	John Durand
Sir P. J. Clerke, teller	Totness	John Amyat
	Barnstable	W. Devaynes
Hon. R. Fitzpatrick	Tavistock	Rt. Hon. R. Rigby
	Exeter	John Baring
	Tiverton	
Humphry Sturt	*Dorsetshire*	
	Dorchester	William Ewer
	Lyme	Hon. Henry Fane
	Ditto	Francis Fane
	Weymouth, &c.	Rt. hon. Welb. Ellis
	Ditto	John Purling
	Ditto	Gabriel Steward
	Bridport	Hon. L. F. Carey
	Corf-Castle	John Bond
	Ditto	John Jenkinson
Joshua Mauger	Poole	
Hans Win. Mortimer	Shaftesbury	
	Durham County	Sir John Eden
J. Tempest	Durham City	
Sir George Savile	*Ebor*	
William Baker	Aldborough	
	Boroughbridge	Anthony Eyre
Sir James Pennyman	Beverley	
G. F. Tuffnell	Ditto	
Hon. L. M. Watson	Heydon	
Lord G. H. Cavendish	Knaresborough	
William Weddell	Malton	
Saville Finch	Ditto	
Henry Peirse	Northallerton	Daniel Lascelles
	Pontefract	Sir John Goodrick
	Ditto	Charles Mellish
	Richmond	Charles Dundas
	Ditto	William Norton
Earl Tyrconnell	Scarborough	
Sir Tho. Frankland	Thirsk	
Thomas Frankland	Ditto	
Lord John Cavendish	York	
Charles Turner	Ditto	
David Hartley	Hull	
John Luther	*Essex*	William Harvey
	Malden	Hon. R. S. Nassau
	Ditto	J. Strutt
	Harwich	J. Robinson

For the motion.		Against the motion.
Sir William Guise	*Gloucestershire*	T. B. Chester
Sir W. Codrington	Tewksbury	
James Martin	Ditto	
	Cirencester	James Whitshed
	Ditto	Samuel Blackwell
Charles Barrow	Gloucester	George Selwyn
Sir George Cornwall	*Herefordshire*	Rt. hon. T. Harley
John Scudamore	Hereford	Sir Richard Symons
	Leominster	Lord Bateman
	Weobly	Rt. hon. Sir W. Lynch
	Ditto	J. St. Leger Douglas
William Plumer	*Hertfordshire*	
Thomas Halsey	*Ditto*	
	Hertford	John Calvert
	St. Albans	Sir Richard Sutton
Earl Ludlow	*Huntingdonshire*	Lord Hichingbroke
	Huntingdon	Lord Mulgrave
	Ditto	Sir Geo. Wombwell
Hon. C. Marsham	*Kent*	
Robert Gregory	Rochester	
	Queensborough	Sir Charles Frederick
	Ditto	Sir Walter Rawlinson
	Maidstone	Sir Horace Mann
	Ditto	Hon. Charles Finch
Richard Milles	Canterbury	
Hon. T. Stanley	*Lancashire*	
Sir George Warren	Lancaster	
Lord R. Cavendish	Ditto	
Lieut.-gen. Burgoyne	Preston	Sir Henry Houghton
Sir Wm. Meredith	Liverpool	
Richard Pennant	Ditto	
George Byng	Wigan	
Hon. Booth Grey	Leicester	
C. Anderson Pelham	*Lincolnshire*	Lord B. Bertie
Lord George Sutton	Grantham	P. Cust
Humphry Sibthorpe	Boston	
Evelyn Anderson	Grinsby	
Lord Lumley	Lincoln	
	Westminster	Lord Petersham
John Sawbridge	London	
Richard Oliver	Ditto	
Frederick Bull	Ditto	
John Hanbury	*Monmouthshire*	John Morgan
Sir Edward Astley	*Norfolk*	
T. Wenman Coke	*Ditto*	

For the motion.		Against the motion.
Hon. Tho. Walpole	Lynn	
Crisp Molineux	Ditto	
Hon. Rich. Walpole	Yarmouth	Rt. hon. C. Townshend
Cha. Fitz Scudamore	Thetford	Hon. Charles Fitzroy
	Castle Rising	J. C. Talbot
Sir Harbord Harbord	Norwich	Edward Bacon
Thomas Powys	*Northamptonsh.*	
Richard Benyon	Peterborough	
Hon. Wilbraham Tollemache	Northampton	
Sir Geo. Robinson	Ditto	
	Brackley	William Egerton
	Ditto	Timothy Caswell
Frederick Montagu	Higham Ferrers	
Sir W. Middleton	*Northumberland*	
Sir M. W. Ridley	Newcastle	
Sir J. Trevelyan	Ditto	
Jacob Wilkinson	Berwick	
Lord E. Bentinck	*Nottinghamshire*	
Charles Meadows	*Ditto*	
Hon. Sir W. Howe	Nottingham	
Robert Smith	Ditto	
Sir Cecil Wray	Retford	
George Sutton	Newark	
Hon. Peregrine Bertie	Oxford City	
	Oxford Univer.	Francis Page
	Woodstock	William Eden
	Ditto	Lord Parker
	Banbury	Lord North
Thomes Noel	*Rutlandshire*	G. B. Brudenell
	Shrewsbury	William Pulteney
	Ludlow	Lord Clive
Hugh Pigot	Bridgenorth	
Thomas Whitmore	Ditto	
George Forrester	Wenlock	
	Bishop's Castle	George Clive
	Ditto	Alex. Wedderburne
Rich. Hippesley Coxe	*Somersetshire*	
Edward Phelips	*Ditto*	
Alexander Popham	Taunton	John Halliday
	Ivelchester	Owen Sal. Brereton
	Ditto	Nathaniel Webb
Hon. Temple Luttrell	Milborn Port	Captain Wolsely
	Bridgewater	Hon. Anne Poulet
	Bath	Abel Moysey

For the motion.		Against the motion.
John F. Luttrell	Minehead	Thomas Pownall
Edmund Burke	Bristol	
	Southampton co.	Sir Simeon Stuart
	Winchester	Henry Penton
	Ditto	Lovel Stanhope
	Portsmouth	Lieut. Gen. Monckton
	Newport	Sir Rich. Worsley
	Ditto	Hans Sloane
Jervoise Clarke	Yarmouth	James Worsley
	Newtown	Charles Ambler
Edward Morant	Lymington	Henry Goodricke
	Christchurch	Lord Hyde
	Ditto	James Harris
Sir J. Griffin Griffin	Andover	
Right Hon. T. Townshend, teller	Whitchurch	
Lord Midleton	Ditto	
Sir Abraham Hume	Petersfield	William Jollyffe
Hon. James Luttrell	Stockbridge	
	Southampton	Rt. Hon. Hans Stanley
	Staffordshire	Sir J. Wrottesly
Hugo Meynell	Stafford	Richard Whitworth
	Tamworth	Thomas de Grey
	Ditto	Anthony Chamier
	Newcastle	Lord Trentham
	Ditto	Lord Chewton
George Anson	Litchfield	Thomas Gilbert
Sir Charles Bunbury	*Suffolk*	Rowland Holt
	Dunwich	Barne Barne
	Oxford	Lord Beauchamp
	Ditto	Hon. Rob. Conway
Thomas Fonnereau	Aldborough	Richard Combe
	Sudbury	Sir Wald. Hanmer
	Eyre	R. Burton Phillipson
	Ditto	Hon. John St. John
Rt. Hon. H. S. Conway	Bury	
Sir Charles Davers	Ditto	
Sir Joseph Mawbey	*Surry*	
James Scawen	*Ditto*	
	Gatton	Robert Mayne
Sir Robert Clayton	Bletchingly	
	Ryegate	Sir Charles Cocks

For the motion.		Against the motion.
	Guildford	Geo. Onslow
Nathaniel Polhill	Southwark	
Lord George Lenox	*Sussex*	
	Horsham	James Wallace
Thomas Thornton	Bramber	
	Midhurst	John Ord
	Ditto	Hon. Hen. Conway
	Grimstead	Lord Geo. Germain
	Ditto	Sir John Irwin
Film. Honywood	Steyning	
Sir Thomas Miller	Lewis	
Thomas Hay	Ditto	
Hon. Will. Keppel	Chichester	
Sir T. G. Skipwith	*Warwickshire*	Hon. Robert Greville
Sir Michael Fleming	*Westmoreland*	
James Lowther	*Ditto*	
Philip Honywood	Appleby	
Hon. Edward Foley	*Worcestershire*	
William Lygon	*Ditto*	
Hon. Andrew Foley	Droitwich	
Edward Winnington	Ditto	
	Bewdley	Lord Westcote
	Worcester	J. Walsh
Ambrose Goddard	*Wilts*	
Hon. William Henry Bouverie	Salisbury	
William Hussey	Ditto	
	Devizes	Charles Garth
	Marlborough	Hon. James Brudenell
	Chippenham	
	Ditto	Sir Edward Bayntun
Rt. Hon. Isaac Barré	Calne	
John Dunning	Ditto	
Hon. Charles Fox	Malmsbury	William Strahan
	Cricklade	John Dewar
Henry Dawkins	Hindon	Archibald M'Donald
Will. A'Court Ashe	Heytesbury	Hon. Wil. Gordon
Nathaniel Bayley	Westbury	Hon. T. F. Wenman
Robert Scott	Wotten Bassett	Hon. H. St. John
Lord G. Gordon	Luggershall	
Henry Herbert	Wilton	
John Cooper	Downton	Sir Philip Hales
	Bedwin	Lord Cranburn

For the motion.		Against the motion.
John Trevannion	Dover	John Henniker
	Hastings	Rt. hon. C. Jenkinson
	Ditto	Lord Vis. Palmerston
	Hythe	Sir Charles Farnaby
Sir Edward Dering	Romney	Richard Jackson
	Rye	Hon. Tho. Onslow
	Ditto	William Dickinson
Charles Brett	Sandwich	Philip Stephens
	Seaforth	Lord Gage
	Ditto	George Medley
William Nedham	Winchelsea	Cha. W. Cornwall
	Breconshire	Charles Morgan
	Brecon	Charles Gould
	Cardiganshire	Earl of Lisburne
	Cardigan	Thomas Jones, jun.
	Carmarthensh.	Rt. hon. Geo. Rice
T. A. Smith	Caernarvonshire	
Sir. W. W. Wynne	Denbighshire	
Sir Roger Mostyn	Flintshire	
Sir H. Mackworth	Cardiff	
E. L. Vaughan	Merionethshire	
	Montgomery	Witshed Keene
	Radnorshire	Thomas Jones, sen.
	Radnor	Edward Lewis

SCOTLAND.

Sir A. Fergusson	Ayrshire	
George Dempster	St. Andrew's, &c.	
	Anstruther, &c.	Hon. Geo. Damer.
	Banffshire	Earl of Fife
	Berwickshire	James Pringle
	Brechin, &c.	Adam Drummond
	Dunbartonshire	Sir A. Edmonstone
	Edinburgh	Sir Laurence Dundas
	Elginshire	Hon. Arthur Duff
	Fifeshire	J. T. Oswald
	Forfarshire	Earl Panmure
	Haddingtonsh.	William Nesbit
	Inverness-shire	Hon. Simon Fraser
	Kincardinshire	Lord Adam Gordon
	Kircudbright	William Stewart
	Lanarkshire	Andrew Stuart
	Linlithgowshire	Sir W. Cunningham

	Against the motion.
Nairn and Cromartie	John Campbell
Peebles, &c.	Sir James Cockburn,
Perthshire	Hon. James Murray,
Renfrewshire	John Crawford
Ross-shire	Rt. Hon. J. Stuart M'Kenzie
Rothesay	Hon. Fred. Stuart
Roxburghshire	Sir Gilbert Elliot
Rutherglen, &c.	Lord F. Campbell
Stirlingshire	Thomas Dundas
Sutherlandshire	Hon. James Wemyss
Wigtown, &c.	H. W. Dashwood

March 4.

A petition of the dealers in tea residing in the cities of London and Westminster, and Borough of Southwark, was presented to the House, and read; setting forth, that the illegal practice of smuggling tea is arrived to so great an height, and the increase of smugglers in all parts of the kingdom has been so rapid for these ten years past, as to become not only very injurious to the revenue, but exceedingly detrimental to the fair trader; and that the places from whence the smugglers chiefly draw their supplies are Dunkirk, Flushing, Guernsey, Jersey, and Gottenburgh, and from the private adventures which the captains and crews of the East-India company's ships dispose of at different places in the English channel, and also in the river Thames, before they can be cleared at the custom-house; and that from Dunkirk and Flushing they smuggle teas into the South and East counties, from Guernsey and Jersey, into the Western counties, and from Gottenburgh into Scotland and the Northern counties; and that the cutters and vessels employed in this illicit trade are fast sailers, carrying from fifteen to thirty guns each, and frequently import ten to fifteen tons of tea, exclusive of other uncustomed goods, the masters whereof have regular attendance on shore to receive the cargoes, who make signals in the night to inform the crew when the coast is clear; and that the cargoes being landed, are paid for in specie or bartered for wool, which they carry to our natural enemies, to the great detriment of our manufactories; and that the smugglers on shore form themselves into large bodies, from thirty to eighty men, well mounted and armed, their horses carrying from one hundred and fifty to two hundred pounds of tea each, and daringly ride through the towns

towns in defiance of the King's officers, and the dragoons who are sent to assist them, some of whom have lost their lives in fruitless attempts to stop their progress; and, having secured their goods, from a correspondence which they have established, not only in the said cities but throughout the kingdom (where they have unentered houses in which they lodge these goods,) the same are disposed of to duffers or hawkers, whose business it is to make up the tea in parcels, which they carry and sell to private families at the following prices, *viz.*

						Sold by the fair trader a			
	s.	*d.*	*s.*	*d.*		*s.*	*d.*	*s.*	*d.*
Bohea tea	2	0 to	2	9	——	3	11 to	4	3
Green ditto	3	6 to	5	0	——	5	8 to	10	0
Hyson ditto	5	6 to	9	0	——	10	6 to	20	0
Congou ditto	3	4 to	4	6	——	5	8 to	8	0
Souchong ditto	3	6 to	5	6	——	7	0 to	12	0
Roasted coffee	1	3 to	2	0	——	3	4 to	6	0
Raw ditto	0	9 to	1	3	——	2	3 to	3	10
Chocolate	1	2 to	1	6	——	3	6 to	6	0

and that the great difference between the above prices is so tempting, that many families are induced to buy of the smugglers their whole consumption; especially as servants frequently make a practice of procuring and secreting smuggled teas, for the supply, not only of their own, but other families within the circle of their acquaintance; and that, amongst various other inventions devised to evade the laws in force against these offences, the following is frequently practised and least liable to detection, *viz.* that of entered traders selling a larger quantity of tea in one day than they enter into their small excise book; for instance, if they retail fifty pound, and make an entry of only ten pound, they are enabled to take in forty pound of smuggled tea, or, as in many instances, sell their permit for the forty pound of tea at the rate of eighteen pence per pound; so that when the officer comes to take the account, he finds the stock right and the book correct; and that a very extraordinary species of smuggling has been lately carried on, to an amazing extent, by the prisoners in the King's Bench and Fleet prisons, who have a continual supply of smuggled teas clandestinely conveyed to them, and, in defiance of the law, keep open shops in the prisons for the sale of those articles which they retail out to families, and employ men and women to duff and hawk in and about the metropolis: and that another grievance, which calls aloud for redress, is, the commissioners

of

of customs and excise, and justices of the peace, mitigating the fines from perhaps one hundred pounds to five pounds sterling, when tea dealers have been detected by the excise officers, and convicted on the clearest evidence: and that the petitioners have reason to believe that the cutters and vessels employed in this illicit trade, after being seized, are restored to the masters by the officers of the revenue cutters, and immediately return to the same service, going back to Dunkirk, Flushing, or some other foreign sea port, in order to procure more contraband goods to import to this country; and, in case they are intercepted by any of the custom-house cutters, produce a clearance from such sea port, by which means they obtain their discharge; and that the petitioners have also reason to believe that the custom-house cutters go along-side the smuggling vessels, and take only a part of their cargo, and afterwards set them at libery, by which means they give the vessels an opportunity of getting off with the remainder of the cargo, which they land at some small distance, and set sail for more; and that these practices are carried on to such a degree, that they are not only highly detrimental to the trade and commerce of this kingdom, and the East-India company in particular, but also occasion a loss to the revenue of no less than 600,000*l. per annum;* and that the revenue also suffers great loss by the injurious practice of entered dealers buying low teas at the different sea-port custom-house sales, which they vend by duffers, &c. at a trifling loss, without permit, and by virtue of the permit they receive from the customs, bring into their stock fine teas, which they sell at a considerable profit into the inland parts of the kingdom; and that there are many thousands of sailors employed in smuggling, few of whom ever serve on board the royal navy; for, if they happen to be impressed, they generally find friends sufficient to obtain their discharge; but, if that trade was stopped, they would in all probability become fishers, whereby our sea coasts would be greatly enriched, and our ports be able to furnish both ships and men in case of necessity; and that there are many thousands of silk-weavers and lace manufacturers out of employ, owing, in a great measure, to the smuggling of silks, callicoes and laces, from France; and therefore praying the House will take the affair into consideration, and, effectually to stop the increasing evil, pass a law with such resolutions as to them shall seem meet, to detect smugglers, and to inflict such punishments and penalties as will for ever prevent their being guilty of the like practices

practices, so injurious and detrimental to the commerce and revenue of this kingdom.

Petitions from the dealers in tea in Norwich, Lynn, Swaffham, Dereham, Aylsham, Yarmouth, Northwalsham, Fakenham, Walsingham, Wells, Colchester, Chelmsford, Sherborne, Shaftesbury, the Isle of Wight, Newcastle upon Tyne, &c. were severally presented to the House and read; likewise complaining of the illicit practice of smuggling, and praying relief. All ordered to lie upon the table.

Adjourned to March the 8th.

March 8.

Sir *George Savile* rose, and proposed an address to the crown, that an account of the produce of the funds appropriated to the augmentation of the judges salaries, by an act of the 31st of the late king, be laid before that House.

He said the object of his motion was intended for a farther augmentation, if the funds granted at the period alluded to would admit of it. He stated the propriety of rendering the judges as independent as possible, which could not be the case so long as their incomes continued short of what was deemed a decent provision for a private gentleman, and insisted particularly on the circumstance that they were the only set of men, who, on entering into the service of the public, and a very laborious service too, that did not better their fortunes; so far from it, that he believed an instance was scarcely ever known of a person being raised to the bench who did not feel a considerable decrease in his income on his promotion.

Lord *North* seemed to approve of the motion, and gave the House to understand, though he did not express himself in direct terms, that, as far as his Majesty's interest was concerned, his Majesty's consent would be no impediment.

Mr. *Rice* expressed himself in favour of the motion, but put in his claim in behalf of the Welch judges, should the proposed augmentation take place.

Sir *James Lowther* did not oppose the principle of making a more suitable provision, but hoped the augmentation proposed would be considered as a full equivalent of all perquisites, particularly those which custom or acquiescence had established on the circuits.

Mr. *Solicitor General* denied that the judges received or took any fees, but what were authorised by law, or at [illegible] had been established by usage, beyond the extent of legal memory, which, wherever custom could support such a claim, was law properly so called.

Sir *James Lowther* replied in the negative. Said there had been many fees received or taken by the judges on the circuits, which were not sanctioned by any species of law whatever, either statute, usage, common, or customary law; such, he said, were the sums or gratuities paid on the Northern circuit, at Newcastle, Carlisle, and York; and he believed at Lancaster.

Sir *George Savile* replied; said the presents, perquisites, or fees alluded to, were either sanctioned by custom, time immemorial, or were given as a recompence for the additional trouble and expence attending the northern circuit in particular. He believed the sums alluded to were at present given by the high sheriff, to reimburse the judges for an expence incurred by a public dinner given by them to the sheriff and grand jury.

Mr. *Dempster*, in imitation of Mr. Rice, reminded the House of the propriety of making an addition to the salaries of the Scotch judges, who had more to do, and were worse paid, than either the English or Welch.

Sir *Roger Newdigate*, Sir *William Bagot*, and one or two other members, spoke in favour of the motion, which was agreed to.

The contractor's bill read a second time.

Mr. *Dunning* moved for the papers relating to Captain Cruikshanks in the year 1748, which was agreed to.

At half after four the House being, if possible, more crouded than on the third instant, Mr. *Fox* rose, in pursuance of the notice given by him, that he had a motion of importance to make. He opened the grounds of his motion, which, he said, in several respects, resembled that which he had submitted to the House on the third; the difference between both motions was this; the principle was the same, but that the one on Wednesday was particular and specific. It stated a fact which he was sure no gentleman in that House doubted of who had spent a single thought upon it; nay, he would venture farther; a fact of which neither of the noble Lords themselves [North and Mulgrave] who so strongly combated the motion, disbelieved, "that Admiral Keppel went out in June with twenty ships of the line, though there were then twenty-seven certainly, if not thirty-two, lying in Brest water." The present proposition was a general one; it contained matters of public and universal notoriety; it called for no specific or narrowed proofs; he would trust it to the feelings and conviction of every honourable gentleman present. That was the evidence *he would adduce*: that was the just tribunal he would appeal

to

to; on that testimony, which every thinking man must secretly submit to, and every honest man avowedly declare, he trusted the fate of his motion. He would not examine this gentleman to the number of ships fit for Channel service at the time; he would not trouble his honourable relation to inform the House again, how many he had under his command when he fell in with the Licorne and the Pallas; he would not trouble the noble Lord over the way [Howe] to prove our inferiority in America; nor the whole world to prove, that we had totally abandoned our trade and commerce, consequence and fortresses, in the Mediterranean. No, he should avoid any of these forms so necessary to substantiate charges where there was the most glimmering ray of doubt or suspense, or hesitation, whereon to hang a loop. Was that the case here? No; he was certain it was not. He should hear every fact and argument resorted to, but that of the terms of the proposition being not literally and substantially true. He should not hear a syllable of the contents controverted, but a great deal about, "Why come to this vote at this time? If true, the danger is passed. Why criminate without the necessary forms of legal or judicial process? And above all, what madness to come to a vote, when that very vote goes eventually not only to a censure of the admiralty board, or rather the first Lord of the Admiralty, but to the final overthrow of administration, and those immediately connected or dependent upon it?" Before he proceeded further, he begged leave to testify his entire approbation of the conduct of the right hon. gentleman under the opposite gallery, [Mr. Rice] for his prudence, sagacity, and foresight. The right hon. gentleman gave notice, on a former day, that he would oppose the bill moved by his honourable friend [Sir P. J. Clerke] respecting contractors, but he has declined the combat. He perceives, by the complexion of the House, that a certain description of men, who came down this day to give the minister their countenance and support on the present question, would with-hold it on the other.—I therefore admire the right hon. gentleman's prudence. It would not be pleasant for the noble Lord and himself to remain in a minority; it would have an alarming appearance, and might in the end be productive of several very disagreeable circumstances.

Such being the ground of public notoriety, such the uninterrupted current of public fame, such the acknowledgments of administration themselves, that he could scarcely reconcile it to respect for that House, to go into any detailed proof whatever, were it not as well to shew what ministers had not

done, what they had neglected, and the promises they had repeatedly made, as the means which the nation and that House had put into their hands, and the sanguine expectations they had to form upon such means and such assurances.

To lay this as part of the basis on which his motion was to rest, he begged leave to state a few particular facts from the papers on the table, which contained a series of five years of peace at two respective periods; the one including the five years following the treaty of peace, entered into at Aix-la-Chapelle; the other of the five years of peace preceding the year 1775. These he read in his place, by which it appeared, that the naval peace establishment which took place in 1749, upon an average of the five years taken together, amounted to no more than nine hundred and thirty-eight thousand pounds, while the average of the latter five years amounted to seventeen hundred and thirty-eight thousand pounds per annum, or an encrease of nearly double. This then led him, he said, to compare the expence of the navy at the commencement of the two succeeding wars, to the peace establishments already mentioned. In the year 1756, the first of the late war, the expences amounted to no more, including navy extraordinaries, &c. than what was voted in 1778, with this difference, however, that the navy debt of the former period was but one million six hundred thousand pounds; whereas the navy debt of 1778 was considerably above two millions.

Then it was in proof, as well in point of bringing conviction home to gentlemen's minds, as supported by every mode adopted for discovering legal truth, that our peace establishment cost us nearly double in the latter period to what it did in the former; and that the whole of our naval expenditure in 1778, exceeded what it was in 1756, by full half a million.

If then our peace and war establishments, latterly, were superior in point of expence, the next obvious consideration would be, whether our naval preparation and effective strength was proportionably superior, which might be reasonably expected; or whether it was even equal, which could hardly entitle those who had the management of it to any praise; or, lastly, whether it was considerably inferior, and furnished just cause for the censure of that House, and the well-founded resentments of the people at large.

By an authentic paper which he had in his hand, he said, the line of battle in 1756, was no less than eighty-nine, while the present first Lord of the Admiralty, the first year of his war establishment, was not able to make out above forty-two ships

ships of the line, with a very deficient proportion of frigates. He should speak more particularly to that circumstance in his further progress; but he could not avoid making the proper use of those facts, thus contrasted, because they went to prove a part of his motion, which stated one of the grounds for desiring the House to agree with the vote of censure, that the state of the navy was not adequate to the sums voted; because the sums voted during the last peace, were nearly double to what they were the preceding, while the naval force, at the breaking out of the former war, was more than double to what it was at present.

As the assertions of ministers formed another ground of his intended motion, that consideration would bring him back to the number of ships actually ready for sea at the beginning of the year 1778. Towards the close of the preceding year, in December 1777, it was asserted by a noble Lord in the other House; he would not forbear to name him, the first Lord of the Admiralty! It was Lord Sandwich who asserted, not in the warmth of debate, nor in a hurry or passion of any kind, but coolly, gravely, and repeatedly, in his official character, that we had then thirty-five ships of the line ready for immediate actual service, and seven more ready in a few days; and doubts having been started of the correctness of this state, as often as they arose, his Lordship followed them with this observation, "That no person was fit to be intrusted with the conduct of the naval affairs of this country, who did not at all times take care to have a navy equal to cope—superior—&c. to the whole united force of the House of Bourbon." This was the language of the noble Lord in the months of November and December 1777; yet, in upwards of six months after, the whole naval force of Great Britain hardly amounted to the number stated by the noble Lord; in March there were but six actually ready and collected; and even in June, when his honourable friend below him sailed, there were little more than the number mentioned in December, attended with this additional circumstance, that, instead of being able to cope with, or being superior to the united force of the House of Bourbon, we were not, at the beginning of June and July, even equal to France alone. On the 8th of July, the French fleet, consisting of thirty-two ships of the line, with a considerable number of frigates, sailed from Brest; on the 9th, Admiral Keppel sailed with only twenty-four, though six had joined or followed him, between that and the 23d of the same month.

He did not confine these assertions to the noble Lord in the other House; for he had heard them frequently repeated, confirmed, and stamped with the superscription of ministerial authority, by the noble Lord in the blue ribbon, and very often urged and pressed by almost every member and friend to administration in that House.

He was likewise at liberty to add, that this motion neither tended to nor expressed any exclusive censure on the first Lord of the Admiralty, farther than mere removal, on the grounds already mentioned, his incapacity or wilful neglect; the general censure was directed to all the ministers equally. If he had retained any doubt upon the subject, the noble Lord's conduct on Wednesday put it beyond question, or the least degree of uncertainty. The noble Lord generously stepped forth, with all his popularity and interest in that House, to do—what? To shield his friend, to share his misfortunes, to rescue him from his enemies, or to perish gloriously in the attempt. Formerly the noble Lord was content to share so much of the blame or credit of every measure.—"He had nothing to do in any office but that in which he presided. He was no minister but in his own department." But now the noble Lord has totally changed his language; he has taken at least part of the responsibility upon himself, and divided the rest among his colleagues in office. Be it so; he has pledged himself, and his cabinet friends, to all the measures of the Admiralty board. The motion is framed accordingly. Every honourable gentleman will now know how to conduct himself. If he votes for the motion, he will give it his assent on the degree of truth which it presents; if he perceives its tendency, and that he sees it involves a censure upon all his Majesty's confidential servants, then all will be open to him; the question will present fairly the alternative, "Are such men to be longer confided in, or is it better to trust to further contingencies, or at once withdraw our support?" The noble Lord, by his conduct, or rather popular confidence, the last night, brought the point to the issue now described; and, for his part, he was perfectly content, as he thought it much better, respecting every side of the House, that gentlemen, when they were desired to vote, should know the full extent the proposition made was intended to be carried.

He then proceeded to his conclusions, which were, that our navy was not in a better and more formidable state at the end of the year 1770, than in 1754; that in 1756, the expences of the navy were less by half a million than in 1778; that

that in 1756 nevertheless, we had eighty-nine ships of the line, though in 1778 we had not more than one half the number; that instead of being able to cope with, or being superior to any force which France and Spain united could send against us, we were not equal to France alone. This he endeavoured to shew was the case in the month of July in respect of the home defence, of our force in America and in the Mediterranean.

In June, and in the early part of July, we were manifestly inferior to D'Orvilliers; in the Mediterranean, the inferiority was clearly evident, and in America Lord Howe was manifestly inferior to D'Estaing. Hence it was evident, that not only the ends were not proportioned to the given means, but that the first Lord of the Admiralty and ministers in that House had broke their word with the public, and were no longer worthy of public confidence.

He begged leave to anticipate one of the noble Lord's great arguments, or rather pillars of debate. Says the noble Lord, "I was not the author of the American war. America rebelled. I am not answerable for the events of the French war; it was the perfidy of France that made that kingdom abet our rebellious subjects. I did not encourage the Bostonians to destroy the tea, nor to rise, nor to fight, to declare themselves independent, &c." Though the noble Lord is conscious that he did not take a single step through the whole business; that the next, on the part of America, or France, was not literally foretold, which amounts just to this, the noble Lord confounds the cause with the effect, he presumes that the effect took place before the cause, and the cause followed the effect.

While he was upon this part of the subject, he said, it would not be quite foreign to touch a little on the repeated assurances given by other ministers, as well as the noble Earl in the other House. When the first disturbances relative to the destruction of the tea sent to America broke out in that country, the noble Earl's language in the blue ribbon was, "Pass the Boston port-bill, and the necessities of the people will compel them to submit." Well, the noble Lord was mistaken, the people did not submit. Says the noble Lord again, "Send a few regiments, and force the port-bill down the throats of the discontented and mutinous with powder and ball." That recipe not proving efficacious, says the noble Lord, "We will hold out terms to them," which gave birth to his Lordship's celebrated conciliatory proposition. The conciliatory proposition was however treated with the con-

tempt and derision which it merited. It imported this; "give us as much as you please, we will accept of it," and take afterwards as much as we think fit, in addition; that is, "give us something, and we will then scramble for as much more as we can plunder you of, either by force, or stratagem." The noble Lord finding himself baffled in all his plans, at length grew disgusted and angry. The whole force of this country was to be tried, the most vigorous measures were to be made; every thing was to be carried by the hand of strength, and America was to be brought to the feet of Great Britain, and to submit to unconditional submission—— This high, this boastful language proved as vain glorious, and the attempt as unprosperous as every other, to bully and deceive, to cheat and frighten. The people of America had too much good sense and resolution to submit to either.

In these several stages, gentlemen on that [his] side of the House were not unmindful of their duty. As friends to their country, they reasoned, they argued, they ventured to predict. They did not, perhaps they could not, bring that species of proof which is required to support a criminal charge in a court of law. They did not attempt to criminate, censure, or impeach; they stated the facts which they heard, they were persuaded of the truth of many of them; they reasoned liberally, they foretold the probable consequences, they conjured, remonstrated, and threatened. They unluckily spoke with a prophetic spirit, and when every day's misconduct brought us into that precise situation which openly invited the interference of foreign powers, what was the language they adopted? Take care of France and Spain; and what were the uniform answers? "The finances of France are exhausted, her income is not equal to the expences of her peace establishment. Her navy is annihilated. She is on the eve of national bankruptcy. She is taxed to the utmost extent she is able to bear. She is without internal resources or credit. Spain is in a condition equally imbecile, and is incapable of assisting France, or of performing the terms of the family compact. France or Spain, however well inclined, will not set so dangerous an example to their own colonies; they will not encourage, foment, or support rebellion in the British colonies, lest the contagion may spread itself to those possessed by themselves in the new world. But allowing the worst that can possibly happen; grant that they should be instigated by motives of mistaken policy, of revenge, of false and dishonest ambition, their state of weakness and total inability, with our decided superiority, will be

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our best security. They know it is in our power to chastise them. France or Spain know better; and if they were inclined to combine or unite against us, they are not so blind not to foresee, that such a combination would, nay, must, terminate in their ruin and disgrace."

A time however arrived, when conjecture seemed to receive some countenance from actual appearances. Mr. Dean arrived at Paris in the summer of 1776. I happened to be in Paris soon after his arrival; when I mentioned the circumstance in this House, I was laughed at. The noble Lord and his friends on his right and left hand observed, "that Mr. Dean might have taken this trip for his amusement, or for business, or for curiosity, or at most in the character of a mere merchant; in short, every motive was assigned but the true one. All did not end here. Dr. Franklin soon followed, but ministers still continued infidels, or affected it. Said they, "the Doctor's an enthusiast; he is zealous in the cause which he has himself produced into being. But whatever his errand might be, signified very little, the appearances of the court of Versailles were such as might be trusted to with safety; they were of the most sacred and solemn nature. Dr. Franklin was treated coldly, and with manifest neglect, nay, with contempt. The court of France refused to receive him in a public character." In short, the opposite benches treated even every suspicion of the kind, as the mere effect of visionary fear, or originating in faction, till that gentleman was known to have transacted business with the French King's ministers.

So matters rested till a new scene unfolded itself, till the tobacco contract was publicly known and acknowledged by the French court. Even then the appearance of delusion was kept up, for it could be no more. The lame and ridiculous apology made by that court, was instantly adopted by ministers in that House. "It was only a commercial contract, dictated by necessity. It had nothing political in it, nor no seeds of hostility in its nature. Tobacco must be had, to secure to the crown one of the most beneficial branches of its revenue; Great Britain could not, in the present situation of affairs, supply the commodity, and a supply must be sought, where only it could be had." So the delusion was kept up, till the signing of the treaty between France and the Congress delegates could be no longer concealed; not when it was known in that House, for he had communicated

it in his place, in ten days after it was signed; but when the rescript delivered by the Count de Noailles, in almost four weeks after that communication, rendered the further concealment totally impracticable.

The folly, madness, and delusive arts of the noble Lord in the blue ribbon, and of ministers in both Houses of Parliament, was nevertheless exerted as strongly during the intermediate period, between the actual signing and the delivery of the rescript, as at any former one. "No such treaty," it was said, "existed. France had neither the will nor ability to carry it into execution." And to conclude the whole of this political, farcical delusion, they desired Parliament to agree to the passing of certain acts, and to the delegating certain powers to commissioners, though ministers, as it has since come out in actual proof, knew at the very instant they proposed them, that they must prove totally nugatory, and serve only to render this country despicable in the eyes of all Europe.

He presented this argument in a variety of lights, and drew the following inference, that ministers acted under the dominion of the grossest and dullest ignorance; and were therefore unworthy of public trust or confidence; or from sinister, corrupt, and concealed motives, and further urged by some powerful criminal influence, operating upon their minds, had wilfully misled, and by a studied series of delusions and a preconcerted plan of impositions, had imperceptibly dragged, or rather allured, this infatuated country to the very verge of destruction.

This was a dilemma from which neither the blind confidence or studied plausibility of the noble Lord in the blue ribbon could extricate him. The alternative was, ministers were either ignorant or treacherous. If ignorant, was there a gentleman in that House who would trust his dearest and nearest concerns to such men. If treacherous, where was the person who would be mad enough to trust his most important concerns to men who he was persuaded would sacrifice them to their own dishonest and corrupt views.

He again returned to the substance of his motion, and entered into further particulars in support of it. He observed, that in April, France detached twelve ships of the line, though we were not able to detach an equal number till about the same time in the month of June. We gave France full time to have effected their purpose, had not the elements so remarkably befriended us, which must have at once

once destroyed our naval force in America; and, as the consequence of such an event, given her a decided superiority in the European seas. If D'Estaing had not remained so long in the Mediterranean, which was occasioned by adverse winds, it was probable that he would have reached the coasts of America before Mr. Byron left Plymouth.

There were papers on the table which shewed, that ministry were acquainted with D'Estaing's destination before he even sailed. Throwing that circumstance, if they were able, which was the very pit of the present debate, why did they not detach as soon as the fact came to their knowledge; or if they were not able, which he believed was the truth, why did they not send out a few ships, at least, to put the noble Lord over the way [Lord Howe] nearly upon an equality with D'Estaing? On the contrary, the noble Lord was left to chance, to meet an enemy infinitely superior, and the fate of the fleet under his command, and the army of course, exposed to imminent danger.

The superior genius of the noble Lord, it was true, stood unrivalled; for, by an effort, which had exalted him in the opinion of those who thought most favourably of him, and had, if possible, rendered him more dear than ever to his grateful country, he rescued it from a blow which, if it had proved successful, must have produced consequences which it must have long felt, and which perhaps could never be retrieved; but notwithstanding the noble Lord's unexampled bravery and ability, had the French fleet arrived but even six days sooner, his experience and professional skill would not have been sufficient. He must, with the whole of his little force, have fallen a sacrifice, and with him, perhaps, the naval power and glory of Great Britain.

Fortune, indeed, had been very kind to us. We had had our escapes in almost every quarter of the globe. She had been our constant attendant. The ministry, the last night, complained of ill luck; but he would balance the account with them on that score, though he was persuaded that fortune had fairly declared on their side. He would therefore try them on the merit and wisdom of their measures. The noble Lord already alluded to could soon satisfy the House on that head. He could readily inform the House how inferior we were to France in America, as it was now well known, and acknowledged, we had been in Europe. How did this accord with the opinion of the noble Earl, in the other House, who presides at the admiralty-board, "that minister ought to lose his head, who had not a fleet equal,

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if not superior to the combined fleets of France and Spain." That assertion was, and ever would be, alive in his memory. That noble Lord had forfeited his word to the public; he had pronounced his own condemnation; nor did he see upon what ground those who had hitherto supported the present administration, could continue to support them in the pursuit of measures which, from the very commencement, were impracticable; which were rendered still more so in their progress; and, above all, how that House could put a further trust in men who had forfeited all future confidence, from repeated breaches of public faith, and that in instances, where the honour, interests, nay, the very existence of this country were most materially concerned.

After several other arguments of less account, he concluded his speech with the following motion, by way of resolution:

"That it appears to this House, that the state of the navy, on the breaking out of the war with France, was very unequal to what this House and the nation were led to expect, as well from the declarations of his Majesty's ministers, as from the great sums of money granted, and debts incurred, for that service, and inadequate to the exigencies of the various services for which it was the duty of his Majesty's ministers to have provided at so important a crisis."

Lord *Mulgrave* contended that the terms of the motion were not supported by the facts stated. In the first place, he said, that it was extremely unfair and irregular to refer to matters which fell in former debates, and much more so to any thing which might or might not have been said by a member of the other House. He stated the possibility either way, even as to general opinion; but when a motion of censure came to be framed upon such loose uncertain grounds as what might have passed in the course of conversation or debate in either House of Parliament, the injustice, as well as the absurdity, of coming to a vote thus instructed and informed, was too palpable to deserve a single sentence of animadversion.

He observed, that the main ground of the present vote was, that Admiral Keppel, having but twenty ships of the line, was inferior to the French squadron. No such fact, he insisted, appeared. On the contrary, the day Admiral Keppel sailed [June the 5th], he had every reason to believe that the French fleet, in Brest water, did not exceed seventeen at most: consequently, when the honourable Admiral sailed, he was superior to the squadron then lying at Brest.

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The next ground in point of fact was, that France was superior to us in America, the contrary of which was equally evident; for though the noble Lord under the gallery [Lord Howe] might not have been entirely equal to D'Estaing, before the arrival of Admiral Byron, the probability was, that, with the assistance of the fifties and frigates, he would at least have been able to defend himself till reinforced. The honourable gentleman says, why not detach earlier? The matter was obvious; because it would not be prudent to detach till we were sure of D'Estaing's destination. If we had detached, and that D'Estaing came round to reinforce D'Orvilliers, then how would the gentlemen on the opposite benches clamour? You have detached, and thereby have left this island at the mercy of our enemies, who are by that means much superior to us. In the then situation of affairs, he contended that ministers acted wisely and prudently; that they were justified not to detach too early; that America was not without a respectable naval defence; and that as soon as Mr. Byron arrived, we had a decided superiority in those parts.

Upon the last head, in point of proof respecting the neglect of the fortresses and commerce of the Mediterranean, he said it was utterly impossible to provide a suitable defence to possessions so widely extended as those belonging to Great Britain, that some must be neglected; and that in exercising the discretion inherent in ministers, no blame could be imputed to them for having directed their attention to places of the greatest consequence, in respect that they were more vulnerable, and, of course, more likely to invite an attack.

As to the comparative state of the money granted for naval services in the two interims, previous to the breaking out of the last and present war, and the state of the fleets in 1756 and 1778, he said no fair inference could be drawn, it presented nothing direct or properly applicable.

It was well known that the ships were larger now than at the former period; that in the number there were a great many small sixties and sixty-fours, that our seventy-fours were built much larger, differing very little in point of tonnage from our old second rates; and, that although we had not for the home service above forty-eight or forty-nine ships of the line, we had a very considerable force in America; so that fairly comparing the exertions at both periods, he was persuaded that our force, in 1778, was substantially

equal to what it was in 1756; which besides was not a fair way of estimating and comparing the respective means and exertions, for 1756 was not the first but the second year of the war, if the facts had been as stated by the honourable gentleman, which was not the case; for we had but eighty-nine ships of the line at the conclusion of the late war, eighteen of which had been taken from the enemy.

His Lordship concluded with answering Mr. Fox on the subject of imputed good luck; for he contended that France had been saved from certain destruction by a succession of escapes as extraordinary as unexpected. D'Orvilliers had escaped from Admiral Keppel, D'Estaing had escaped from the noble Lord under the gallery [Lord Howe], off Rhode Island; he had afterwards escaped from Mr. Byron to the West-Indies. If, however, fortune had declared in our favour, which he did not recollect, in a single instance, to have been the case, it was a good reason for not changing the present administration. If they were in luck, let them hold the box till they threw out? At present, there was little prospect of that; for the odds, to pursue the simile, were evidently in their favour. The first efforts of France were always the most vigorous, from the nature of her government; while ours were always dilatory and languid, from the frame of our constitution. When that impediment was removed, we had always proved victorious. Our force would be every day increasing, while theirs, having already attained to the meridian, would be on the decline. On the whole, he saw the present motion as a pre-concerted attack upon administration, in order to drive them from their places; on that account, as well as for the reasons given already, he should give his hearty negative to the motion.

Lord *Howe* stated the difficulty he laboured under, in what manner to conduct himself, standing as he did. He rose to second the motion of the honourable gentleman over the way; but meant to have contented himself with giving a silent affirmative to the motion, if he had not found himself so particularly referred to by the honourable gentleman and the noble Lord who spoke last.

It was well known that administration and he had an affair to settle; that he had pledged himself to the House to bring on an inquiry into his and his brother's conduct. There was a motion on the journals for a copy of the correspondence between him and the noble Lord, secretary of state for the American department; if he should, therefore,

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go fully into the question naturally growing out of the present debate, it would bear an appearance of a wish to mislead those who were to determine on his conduct, than which nothing could be farther from his intentions. If, on the other hand, he remained totally unconcerned, it might be construed into an approbation of measures; he meant not to speak of those that might or might not affect him, which he was fully persuaded were weak, incapable, and, if longer permitted or pursued, must terminate in the destruction of the naval power of this country, and consequently of the country itself.

He thought that the means put into the hands of administration were such as enabled them to have a much more respectable navy on foot, and that, above all things, the Mediterranean ought to have been provided for; being thoroughly convinced that it would be impossible at any time for this country to preserve its naval superiority, while that service was neglected, or, which was the case at present, apparently abandoned. He was not in Europe at the time the matters particularly adverted to in the motion, and so clearly stated and ably enforced by the honourable gentleman who made it, happened; but, in his opinion, they were so well supported in fact and argument as to justify the vote he intended to give.

Before he sat down, he hoped he should be permitted to say thus much: that he was deceived into his command; that he was deceived while he retained it; that, tired and disgusted, he desired permission to resign; that he would have returned as soon as he obtained leave, but he could not think of doing so while a superior enemy remained in the American seas; that as soon as Mr. Byron's arrival removed that impediment, by giving a decided superiority to the British arms, he gladly embraced the first opportunity of returning to Europe; that, on the whole, his situation was such, that he had, in the first instance, been compelled to resign; and a thorough recollection of what he felt, and what he suffered, induced him to decline any risque of ever returning into a situation which might terminate in equal ill-treatment, mortification, and disgust. Such were his sentiments respecting the motives that induced him to resign the command in America; and such for declining any future service, so long as the present ministers remained in office; for past experience had sufficiently convinced him, that besides risking his honour and professional character, he

he could, under such counsels, render no essential service to his country.

Admiral *Keppel* replied to the noble Lord who spoke last but one. He contended that the evidence already before the House was fully sufficient to prove that the French fleet was superior to ours, when he sailed from Plymouth; and kept in port only till it was known for certain that Admiral Byron had gone to America. He was astonished how the noble Lord dared assert, against the most complete evidence, and in the face of the nation, that the Brest fleet consisted of no more than seventeen ships of the line, when it was notorious to all Europe, that in a very few days after he met with the Pallas and Licorne frigates, Mons. D'Orvilliers was sent to sea with thirty-two sail of the line. Was his squadron suddenly created? He presumed the noble Lord could be no stranger to the difficulty, the improbability, he might add impossibility, of fitting out, equipping, and manning fifteen sail of the line within so short a period. He would, indeed, rest the fact upon the noble Lord's own argument, both the last and the present evening. Says the noble Lord, thirty-five ships were ready for actual service in November 1777, and seven more in such a state of preparation as to be ready to proceed to sea in a few days. What did the noble Lord chiefly rest the defence of the admiralty-board on? But that in seven months after, in June, we had forty-eight or forty-nine ships of the line, that had within the period been, or were ready for sea; for out of that number the crews of two were sickly, and of course unserviceable at the time; the Mars was condemned, and two others were undergoing a repair. So that, according to the noble Lord's account, so far as effective operations at sea were in question, we had, in the course of seven months, been able to add only two ships to our number, while he is so generous as to suppose that France could add fifteen in less than a month. If the noble Lord really believes what he says, and looks forward to the deduction which must immediately present itself from the consideration of such premises, he will furnish a most melancholy argument to prove how unequal a contest we must wage with a nation, which can augment their navy with fifteen sail of the line in a few days, while it was with the utmost labour and industry we could add three only to our number in seven months.

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The noble Lord had affected to pay him very high compliments; more, he was conscious, than he deserved, or the noble Lord intended; for it was pretty evident to every one present, that his Lordship had taken special care to blend with those constrained compliments, a certain portion of other matter, sufficient to prevent his hearers from mistaking his meaning. He received his professions of friendship and his ungenerous and ill-founded insinuations with equal indifference and contempt. The enmity and indirect misrepresentations which accompanied them, were too near the surface to pass undiscovered. He held both precisely almost in the same light, he despised them equally, and, if he had choice, it would be his enmity and not his friendship.

He then proceeded to speak to the motion. He said, when he sat at the admiralty-board, in 1765 and in 1766, a plan was submitted to the board, and finally adopted, to have at all times eighty ships of the line of battle, with a proportionable number of frigates, ready for actual service; that is, in a certain state of equipment and preparation, which, in the language of the navy, in times of peace, amounted to the same thing; and though this plan had been totally abandoned, and the fleet had been almost totally annihilated at the present noble Lord's coming to preside at the admiralty-board, it appeared by the papers so ably commented upon by his honourable friend who made the motion, that a fleet of eighty ships of the line might be constructed from the very keel, launched, and at sea at the close of the year 1777; whereas by the noble Lord's own account, there were not at that period, including those in North America, East and West Indies, &c. quite fifty. He might add, perhaps, not forty fit for real service. But, besides the deficiency in number, he was well warranted in affirming that the ships were not in a good condition, nor fit to bear long or difficult services; one great cause of which was, employing them in cruizes, on account of a want of frigates. He remembered on a rumour, about five years since, relative to a formidable armament then said to be going on at Toulon, and upon a later occasion, when he was advised with in November 1776, he took occasion, both within and without that House, to point out the want of frigates. Nevertheless, though the quarter part of our frigates were on the other side of the Atlantic, and that he pressed the necessity of speedily supplying

supplying that deficiency, that part of the service was totally neglected, our large ships were sent to sea upon every trifling occasion, by which they were, in a great measure, rendered crippled and unserviceable. The expence of repairing large ships was immense; and what was worse, when wanted for actual service, many of them were obliged to go into dock to repair.

He answered, what he termed the noble Lord's bold and confident assertions, that France being able to make head against us at all during the summer campaign, was merely owing to a series of good fortune, which was proved by a succession of escapes. For his part, if fortune or luck took any share in the events of the campaign, he thought she had rather declared in our favour than in that of the enemy. It was our luck that prevented Count D'Estaing, when he understood the situation of our naval and military force, not to have proceeded to Sandy Hook, and taking the situation there, afterwards occupied by Lord Howe, which he should have done, as by that means Lord Howe, with an inferior force, must have gone for Halifax, and the whole commerce, victuallers, transports, &c. bound for New York, would have fallen into his hands. Sir Henry Clinton's army would have been starved, and God only knows what fatal consequences both to the fleet and army might have followed. It was our luck, that when he found Lord Howe so advantageously stationed, D'Estaing did not wait for Admiral Byron's squadron, which scattered and disabled as it was, must ship by ship have fallen an easy prey to him. It was our luck that he did not act more vigorously on his arrival at Rhode Island. It was our luck that Admiral Barrington did not fall a sacrifice to D'Estaing before the arrival of Mr. Byron, and that the same circumstances accompanied the facility of defending and the difficulty of attacking an enemy thus fortunately stationed.

He was very full on the neglect of our trade and fortresses in the Mediterranean. He acknowledged that, in the situation of affairs, it would have been very imprudent to detach a force to the Mediterranean, and leave our coasts, &c. defenceless. He was consulted on this subject, and thought it neither safe nor proper. But why? Because we could not spare a sufficient force from the home defence, which was the very substance of the motion, that "The state of the fleet was not adequate to what the House and the

the nation had a right to expect, from the assertions of ministers; from the sums granted, nor to the important services ministers were bound to provide for."

But he ever did, and ever should think it the duty of ministers, to provide a sufficient naval force for the Mediterranean. In case of a rupture with the House of Bourbon, or with either of its branches, a squadron stationed at Gibraltar would always prevent a junction between the fleets of France and Spain, in the Mediterranean and on the coasts of the ocean. Nature had seemed to form this as a barrier, which would, at all times, enable Britain to divide their power; because, whether they attempted a passage from the Mediterranean, or from the ocean, into the latter, either force must be equal, or superior to the British fleet; and the enemy, till united, though greatly superior, must engage upon terms not at all adequate to their strength.

Upon these considerations, therefore, he thought it highly incumbent upon this country to have at all times a fleet so stationed at Gibraltar, or in its vicinity, as to prevent a junction between the fleets of France, in the sea and in the ocean; and likewise, as circumstances might render it necessary, the fleets of France and Spain united.

On the whole, he pronounced the admiralty-board totally negligent, misinformed, and every way unequal to the administration of the naval affairs of this country.

Mr. *Adam* said, the facts stated on both sides were so diametrically opposite, that it was impossible to come to a vote one way or other without hazard of error in justice, particularly a vote of censure or removal, which was to affect an absent person, and in some respects, all his Majesty's confidential servants. The facts stated in the preceding debate, were of that nature to authorise a direct negative or affirmative; because there was evidence before the House, which the House was competent to decide upon, whether or not the force was such respectively at such a period in the month of June. The vote now proposed presented no such degree of certainty. It embraced a variety of objects, not one of which were in proof; and implied a censure upon presumed acts of negligence or criminality. They might be truly stated, our force might not be adequate to what that House were led to expect from the declarations of ministers, to the sums expended, nor to the important crisis of affairs, which most certainly

ministers were bound to provide for; but was there any proofs of those different charges sufficient to satisfy the consciences of the House to come to a vote, which, if it meant any thing, imported a criminal censure? Besides, he had another motive for wishing to put off the decision at present, by the way of the previous question; because, if the motion should receive a direct negative, it would put an end, during the remainder of the session, to the inquiry.

He had strong reasons to believe, that administration were both negligent and criminally culpable; but belief only or loose opinion, was not sufficient to determine a vote, which implied a species of condemnation, which might probably lead to much more serious consequences than mere removal. He believed there was good grounds for a thorough investigation of the conduct of ministers, and that it called loudly for enquiry. He thought they had been shamefully remiss in duty, and he trusted a day would come when they would be called to a solemn account. But he hoped, when that day arrived, that the proofs of their innocence or guilt would be made to appear in a regular and satisfactory manner, and that nothing would be received upon trust, which might operate towards their condemnation or acquittal.

To avoid, therefore, the extremes equally to be avoided, that of coming to a precipitate vote of censure, without suitable proof, or of acquittal, where blame, he had reason to believe, was certainly due, he would move the previous question, which would leave the matter subject to future revision and examination, and prevent the question from receiving a direct negative, which, from the circumstances already mentioned, he should be sorry to see take effect. His motion for the previous question was not seconded.

Sir *Horace Mann* said, he entertained very different ideas from the honourable gentleman who spoke last. The honourable gentleman said, that he had voted for the proposition on Wednesday night (the third), because that the evidence before the House, of the facts stated, were so well proved to his satisfaction, as to justify his vote; but that there being no evidence of the vote proposed by the honourable gentleman who made the present motion, he must withhold his assent. Now, for my part, the ground of the gentleman's dissent and assent have struck me in a different manner; for though I voted against the motion of Wednesday night, I find myself bound to give my full assent

assent to that now moved. It contains matter of public notoriety, as well known without this House as within; as well known to all Europe, I am sorry to say it, as to the British Parliament. It talks of the expectations of the Parliament and nation upon the assurances of ministers. Is there a man in this House who doubts such assurances were repeatedly given? But supposing there had not one been given, does that exonerate ministers from their duty and responsibility? Would it be an apology for them to plead, that they were not bound to a performance of their trusts, or to attend all in their power to the preservation of the state, because they had not added verbal promises to more solemn engagements? It is absurd to spend a single consideration on this part of the subject, though I have perceived, that the noble Lord who spoke on the other side, laboured this circumstance, as if the justification of ministers solely rested upon it.

But the real subject matter of this debate depends upon something more than vague promises or loose assertions, made in either this House or the other. What have been the sums granted? What has been our state of preparation? Has our navy been adequate to the services ministers, from their public responsibility, were bound to provide for? Here lies the true issue; what ministers have done, not what they promised; what they were bound to perform, not what they said they would do. I say no. I appeal to the feelings and conviction of every independent man on every side of the House. I appeal to the nation; I might, without being justly charged with absurdity, extend the appeal beyond this island, and appeal to all Europe.

I would recommend to gentlemen to consider our relative situation in respect of the rest of Europe. I would have them reflect on the rank we hold among nations of the first class, if not the first ourselves, within that description; confessing or yielding to none as our superior. I would wish them to consider what has been and is looked upon to be the source of our power and greatness: our trade and commerce, the consequent number of our seamen, and our naval superiority, which all inseparably give us riches and power, and every thing derived from an extensive commerce, numerous dependencies, and transmarine dominions; and the means of retaining and protecting them. Strip us of our marine pre-eminence, and where must we find ourselves? Not among the first powers of Europe,

far from it. Many countries exceed us infinitely in extent of dominion, others in native produce, and perhaps manufactures. If, therefore, we should ever even come to an equality upon our proper element, with any other power, our importance must go; every thing we possess out of this island will be held by a very precarious tenure, and our influence and consequence among the great powers of Europe must depart with the cause which chiefly created it.

I do not speak from mere speculation. I was on the continent, during the summer naval campaign, and at Vienna when the account of the engagement of the 27th of July reached that capital. I happened to be at a court extremely well inclined towards the interests of this country, which they have proved to my own knowledge, in several instances, and that on occasions too, in which strong temptations had been thrown out, in order to warp that disposition to our prejudice. One in particular, while I was there, relative to propositions made by one of the Congress delegates, relative to the opening a trade between our subjects in America, and the Empress Queen's dominions in the Netherlands, which was treated with that indifference and contempt I hope such propositions will ever meet with, when made by rebellious subjects, resisting the constitution and government, to which they are bound by every tie of gratitude and obedience.

I mention this circumstance, as well to point out the disposition of the court where I was, when an account of the affair of the 27th of July reached me, as to shew that the feelings expressed on the occasion by that Court, were the genuine offspring of amity and good will, and apply directly to the subject of the present debate.

What was the impression that narrative made? The Court of Vienna heard it with astonishment. Their sentiments accorded exactly with these ideas I have stated. They imagined Great Britain lords paramount of the ocean, and invincible at sea; and they looked upon an undecided contest, or drawn battle, of such evil consequences to Great Britain, as to its effects, as to be little short of actual defeat; and did not hesitate to declare, that if once the empire of the ocean came to be seriously disputed by France, or any other nation, Britain would shortly be disrobed of her power and greatness, which must decrease in proportion as her naval glory grew less splendid, or she permitted a rival to share it with her.

These, Sir, with the notoriety of the facts on which the motion is supported, are my reasons for giving my hearty affirmative to it. I have forborne entering into detail, because

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I take the whole matter as it presents itself to me, and as it has struck all Europe. Ministers have been to blame to trust to an equality; the Mediterranean should be provided for, in the terms of the motion; therefore I shall conclude with saying, that the fleet of this country was not adequate to the important services his Majesty's ministers were bound to provide for.

Hon. *Temple Luttrell* said, that although, after the forward part he had taken in navy matters for several sessions past, it might be expected he would rise to trouble gentlemen for some length of time on the very comprehensive and material question now introduced, yet he on all occasions disliked to enter upon such subjects, where figures and dry matters of fact were necessary, and which the temper of that House could never relish, especially when such dull work interfered with the more captivating powers of oratory—with florid declamation—with personal inuendos and sarcasms, or those jocular sallies for which the noble Lord in the blue ribbon is so famous in a full House, and on days of the most solemn and critical import.

He thought the fairest way to discuss this business, which certainly tended to criminate the first Lord of the Admiralty, was, to consider of the means that have been put in that noble Lord's hands for maintaining and improving the navy, and to see how these means have been applied; comparing his management with that of his predecessors in office, and comparing also his official declarations in the face of the legislature and the nation with the actual state and condition of the royal fleet. Lord Hawke presided at the admiralty-board during the years 1767, 1768, 1769, 1770: the naval grants of parliament in his time, for the peace-establishment, came annually to about 1,550,000l. and the exceedings on the debt of the navy, exclusively of the interest accumulating thereon, did not amount, *communibus annis*, to forty thousand pounds. The last year of Lord Hawke's naval administration was indeed more expensive; for in September 1770, preparations were made for a war with Spain; and by the end of December, it appears, from the navy-board accounts, there were 13,000 men raised more than had been provided for by parliament, besides an extraordinary exertion in equipping very numerous squadrons of capital ships to be in readiness for action if requisite. At the beginning of January 1771, the Earl of Sandwich succeeded Lord Hawke; he found 28,000 seamen and marines, and eighty-one sail of

the line of battle, which only waited to receive their war-complements, and to be completed with those naval stores, of which there was plenty in the several dock-yards. A fortnight after Lord Sandwich took his seat at the admiralty, the convention to restore peace between Great-Britain and Spain was signed in London by Prince Masarano and Lord Rochford, which rendered it expedient to reduce our naval charges, and to dismantle the greater number of our men of war then in commission. However, as 40,000 men, at a sum not exceeding 4l. per month each man, had been voted by Parliament the preceding November, neither the admiralty nor the treasury judged it necessary to be sparing of expence*; so that in the first year of the noble Earl's naval government, there was issued for the navy from the treasury-board, no less a sum than 2,880,000l. and upwards, over and above 200,000l. given by the House of Commons in that year to discharge so much of the navy debt. And the state of the navy debt on the journals for the years 1770 and 1771 prove, that no part of that enormous sum went towards the debt contracted under Lord Hawke in the year 1770. I will allow, that about 100,000l. was at that time expended in replenishing the several store-houses consumed by the fire at Portsmouth; after which, the docks, the magazines, and shipping, were perhaps altogether in a far better state than at any former æra of our naval history. During the years 1772, 1773, and 1774, which were prior to the American disturbances, the supplies of Parliament for the navy were large, beyond any precedent of peace establishment; the debts contracted were at the same time beyond all bounds; for a proof of which Mr. Lutterell said, he wished gentlemen to look at the debt of the navy on the journals as it stood December 1772. Mr. Lutterell then said, that he should not enter much upon the extra-charges of the navy since the commencement of the civil war with America, because he could not do it with the same precision, nor comparative estimate. He might be told (and perhaps justly) that this war was of an unprecedented nature, and attended with charges

* It appears by the journals, that Lord North issued upwards of five pounds per head a month, to the admiralty, for paying the seamen that year, though the vote of Parliament says "a sum not exceeding 4l. per month be granted:" this step of the treasury is without precedent.

which

which never could occur before; and for his part he had always subscribed to that old adage, that "war is at all times a monster of such an appetite, that 'tis impossible to guess what he might devour." However, no person will be bold enough to deny, that Parliament has implicitly granted whatever monies have been asked by ministers for the service of the navy; but, Sir, has it been faithfully applied to the uses for which it was allowed? Certainly not. Immense estimates have been given in and voted for repairing ships year after year, to the amount of some hundred thousand pounds, which ships have never been touched; the Hero, the Dragon, the Arrogant, and others, which we have so often been told were in forwardness, and nearly finished, and on the faith of which official assertion we supplied still further sums, are not one of them, even at this day, fit for service, nor has the money been laid out on them, nor any one of them.

The only article in the navy magazines that has been considerably added to by the present ministers, is the article of foreign timber, in contracts for which they have been sufficiently lavish; but, Sir, it is to the destruction and not the preservation of your navy that foreign-timber has been introduced preferably to our British oak; such contracts may indeed enrich a few individuals here, and may enrich the towns of Bremen, Rostock, or Stettin; but the wood is of a bad quality, and ought not to be used at all. British timber might have been obtained, and the proper methods of seasoning and preserving of it been thoroughly known, if due attention had been paid to so essential an object.

As the noble Lord, who is peculiarly an object of our consideration to-day, was pleased, in another place, to comment upon certain arguments used by me in this House during a former navy debate, I may be allowed to offer a few observations upon his reasoning. His Lordship* maintains, that the navy-expenditure is at this day pretty nearly the same as in former times, so far back (says he) as the Protectorate in 1651. Now, Sir, what resemblance may be found between the navy-estimates of that æra and those of the present, I am at a loss to discover. The pay of your seamen, which at the beginning of the Protectorate was from thirteen shillings to sixteen shillings per man, is now higher by one third. The ordinary and extraordinary of the service, which in 1779 amounts to near a million sterling, came exactly to the sum

* Lord Sandwich's speech in the House of Lords this session.

of 20,000l. and the noble Lord who breaks up the King's ships by scores, at his own pleasure merely, who sells them when and for what sums he pleases, now and then re-purchasing them at above double the price they were sold for*; I say, the noble Lord might have learnt, that in the time of the Protectorate, the Commons considered in committee on the propriety of breaking up a single man of war (the Dreadnought), and when the Commons had approved of their report, they sent to the other House for its concurrence. A certain naval minister in this House [Mr. Ellis, treasurer of the navy] is continually referring us to examples of a rather later date, the reigns of Charles II. and King William; let us see if either of those will warrant the present misconduct. The former of the two was indeed sufficiently corrupt and prodigal, during the first Dutch war; upon an inquiry into the state of the navy, there was discovered a considerable waste of the public monies, the treasurer of the navy's account ill kept, and many sums paid into his hands totally unnoticed. He was punished accordingly. In the second war against the republic of Holland, our maritime affairs were still worse conducted, under the government of that flagitious set of ministers called the Cabal, who prevailed upon their sovereign to rob the Exchequer, and to suspend, by virtue of his regal authority, the operation of an act of Parliament for the better regulating and manning the royal fleet. But the ministers who composed that Cabal at length met with their deserts, and their impeachments upon your journals might well be held up *in terrorem* to those who now occupy their places in the state, and who approach to "add nearly, if not altogether," to their measure of guilt.—However, King Charles II. at length owned his faults, and in a speech to his Parliament used these words, "I have not been as good an husband of my people's money as I ought to have been, nor as I am resolved to be in future." The House of Commons, during the remainder of his reign, took care that the money for the navy should be applied to the specific purposes for which it was granted, under severe penalties, ascertaining the rates of ships of war to be built for the royal-navy, with their tonnage, and price to be given per ton, &c. In proof of this Mr. Luttrell referred to the navy grants for 1675, and 1676.

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* Brilliant frigate.

And

And here he took occasion to shew, that many articles in ship-building, storing, &c. ought to be cheaper to the public in these days than they were a century ago; but explained to the House that he meant before the loss of our American colonies, which used to supply us with tar, turpentine, masts, &c. He then took a short view of the navy during the reigns of King William, Queen Anne, and George I. proving that the House of Commons had held it their indispensible duty, from time to time, to inspect strictly the navy accounts, correct mismanagement, punish delinquents, as in the year 1710 and 1711, and obtain from the crown directions for the admiralty-board to retrench the navy charges, (as in the year 1699, and 1700, under Sir George Rook.) He then desired the Clerk to read the speech of King George I. October 19, 1721, in which the King complains of the weight of the navy debt as a signal detriment to his government, and to the public credit; yet the navy debt, which is now five millions and upwards, and which will, eight months hence, amount to at least seven millions, was then but 1,700,000l. and when Sir Joseph Jekyll (a most respectable character in his day) moved for an exact account of this debt to be laid before Parliament, he was seconded by the minister himself [Sir Robert Walpole] who agreed that Parliament could not justify it to themselves nor to their constituents, to give away the public money blindfold; but he begged leave to assure the House, that of 1,700,000l. no less than 1,100,000l. had been incurred during the late reign, and the 600,000l. in addition, which had been accumulating ever since 1714, to that time, being seven years, was chiefly occasioned by a greater number of seamen having been employed in the Mediterranean and Baltic, during the war with Spain and Sweden, than had been provided for by Parliament at 4l. per month each man, and the remainder accrued from the interest of navy and victualling bills; but he pledged himself to the House that not a shilling had been advanced for the navy, but what had been expressly approved of and found necessary by the House.

Mr. Luttrell dwelt upon this point, which, he said, happened at a time that the present treasurer of the navy was (he believed) in Parliament, in order to convince the House, that with due œconomy, the 4l. per month each man was, in time of peace, almost, if not entirely, sufficient for the purposes of the grant. He next took a view of the late reign, and plainly demonstrated, that enquiries were, from ses-

sion to session, had in the House of Commons, as to the application of the monies allowed for the royal fleet, and lists constantly demanded and granted (so differently from the modern policy and projects of ministers) of the ships actually in commission, with their number of men respectively, stations, &c. which, being produced to the House in the subsequent years, could give no information to the enemy within the possibility of mischief. He instanced the years 1740, 1741, and 1742, particularly two orders of the House of Commons in 1741, which was in the midst of a foreign war. But before he concluded he would indulge the honourable member who spoke on the navy business a few nights ago [Lord Mulgrave] with a comparative view of the navy in the years 1759 and 1778, which the noble Lord had only slightly touched upon. For in 1759 (the most glorious period of the most glorious maritime war this country was ever engaged in) 60,000 seamen and marines were voted in Parliament; the numbers actually raised, as we find by the book on your table, were 80,000 at a medium. We had sixty-five sail of the line of battle in the several squadrons of North America, Jamaica (under Admiral Cotes); Leeward Islands (under Commodore Moore); East Indies (Sir George Pocock); the Mediterranean (Admiral Boscawen); and upon cruises or convoys; we had, besides that number abroad, twenty-seven sail of the line at home; in all, in June 1759, in commission and actually fit for sea, ninety-two men of war of the line, besides store-ships and hospital-ships; twenty-three ships of 50 guns, fifty-four frigates of 32 guns and upwards, and forty-two sixth-rates. In June 1778, we had on foreign stations, twenty-seven of the line (including Byron's squadron), and at home twenty-two of the line, exclusive of store-ships and hospital-ships in commission, and actually employed; about thirty frigates of 32 guns and upwards, fourteen ships of 50 guns, and forty sixth-rates. The grants for the navy in 1759 were about 3,700,000l. and the debt in addition was 1,624,000l. the grants for the navy in 1778 were about 4,100,000l*, and the debt in addition is 1,764,000l. so that the navy last year cost above half a million sterling more than in the year 1759; and it is to be remembered, that, according to the returns of the navy-office, there were about ten

* See the ordinary and extraordinary of the navy for the years 1759 and 1778.

ten thousand men in pay in the year 1759 more than in 1778. In 1759 your 74 gun ships were allowed 650 men, and now their establishment is lowered to 600 men.

Mr. Luttrell concluded with shewing, in opposition to Lord Mulgrave's state of the two fleets on the 27th of July last, that the French fleet, notwithstanding our superior number of three-decked ships, was in fact as strong as that under Admiral Keppel. He likewise made some animadversions upon Sir Richard Worsley's assuming the character of an independent country gentleman *. Before he sat down, he severely censured administration in having contracted for 24 and 28-gun ships these four or five years last past, and not having provided the larger frigates of 32 and 36 guns, which were the most useful in a French and Spanish war; he observed, that only one frigate of that description is to be launched in the course of the current year; and he exhibited, in very alarming colours, the present condition of our fifth and sixth-rate ships, deficiency of naval stores, masts, &c.

Sir *Richard Worsley* took notice, that the honourable gentleman who made the motion had alluded particularly to a description of men in that House, among whom he wished to rank himself; and whom the honourable gentleman had described as coming down to the House that day, to give their support to the minister. The honourable gentleman said, he took an opportunity of reminding the country gentlemen, how ministers had deceived them; how they had promised an American revenue and unconditional submission; but that instead of performing their engagements, had relinquished the most distant thoughts of either. He could answer for one, and doubted not but it was the case of numbers of gentlemen present, that he recollected every one material measure that was proposed, the circumstances which made them necessary, or accompanied them; and he could safely lay his hand upon his heart and affirm, that he never gave a vote upon any one of those measures that he repented of, or that he would not repeat under similar circumstances.

Mr. *Grenville* said, as to the main fact on which the motion turned, that of the comparative states of our navy, in the years 1756 and 1778, he had an authentic paper in his hand, which he believed would appear decisive to the House. It

* Clerk of the Board of Green Cloth, with a salary of 1000l. per annum.

It was copied from the papers of an honoured and most dear relation [supposed to mean either his father, George Grenville, or Lord Temple his uncle, who was in 1756 first Lord of the admiralty.] The fact was, that the British navy consisted of above one hundred and thirty ships of the line, and an hundred and fifty frigates, in the year 1756; of which eighty-nine of the line, with one hundred and two frigates, were actually fit for service; sixty of the line detached in squadrons, convoys, stations, &c. and the remainder retained for home defence. He said, be the effect of the present motion what it might, he was determined to remain in his present situation. He was convinced a change of measures, and of course of men, was become necessary; he would not take a place under the present administration, nor under whoever might be called by the voice of the nation to succeed them; but he could not avoid giving his public testimony that he thought the present ministers were no longer deserving of national confidence.

The honourable gentleman who spoke last had said, he gave his confidence to administration. He could say the same. The honourable gentleman had voted in support of administration: so had he. The honourable gentleman still gave them his confidence and support, he never repented of a vote he gave them, nor had given one that he would not again repeat. The honourable gentleman declared himself a country gentleman. He hoped, both from his independent views and particular situation, he had a claim to be enrolled in that class; but whatever similarity there might subsist in other respects, their present sentiments very widely differed. He was now convinced, that the measures respecting America were wrong at the outset; that they were worse conducted; that instead of resting the claims of this country over her colonies, on grounds truly constitutional, we had set up demands, which if attended with successes, must have terminated in tyranny and oppression. That instead of putting an end to the first complaints, by adopting measures of persuasion, and of a lenient nature, we increased the public discontents, and irritated and inflamed; that when things arose afterwards to the alarming height they did, we fed the disease by weak and irresolute measures, instead of acting with vigour; and that finally, when we resolved to adopt a conduct, which if proper or necessary at all, should have taken place much earlier, we found ourselves totally inadequate to the task, and were afterwards compelled to sue for

for terms, and those too of the most humiliating and disgraceful nature, which, considering the time they were offered, and the other concurrent circumstances, which were the cause of such concessions, so derogatory to the honour and most essential interests of this country, they were, it might well be expected, rejected with the contempt they deserved.

Mr. Grenville again resumed the consideration of the question before the House, and said, he should be sorry to trespass on the patience of so full an assembly, to prove what had already been demonstrated so ably by the honourable gentleman who made the motion, and which by way of contrast, he begged to observe, called for so little support.

In those ideas, he should sit down with declaring, that every part of the honourable gentleman's proposition met his most hearty assent and approbation.

Lord *North* agreed with the honourable gentleman who moved the previous question, that there was no evidence before the House to justify the present proposed vote; but contended, that giving a negative did not preclude the House from entering into an enquiry hereafter. The charges were direct; they were matters worthy of public consideration, and ought to be enquired into, and he was sure would be enquired into. The previous question was therefore unnecessary on that ground. Facts were stated in the motion which had not a tittle of proof to support them; consequently till they were proved, the most regular and parliamentary mode of proceeding was to meet them with a direct negative.

His Lordship answered several parts of Mr. Fox's speech: said, he did not build upon his popularity, or parliamentary influence, in order to shield the first Lord of the admiralty. What he said the other night proceeded from motives of justice. The first Lord of the admiralty was no more culpable or censurable than any other of his Majesty's confidential servants. The censure, if due at all, was equally due to every other member of administration, as well as Lord Sandwich. He had but one voice in determining measures of state, and was therefore no farther responsible than for what came to his individual share.

His Lordship then read the motion, and endeavoured to shew that no part of it was supported by fact. In answer to the honourable gentleman who spoke last, that our force in 1756 consisted of eighty-nine ships of the line, he insisted that it was no more than seventy-one, whereas, the present force

force amounted to eighty ships of the line. He proceeded to the other parts of the proposition in the same manner, and met every single fact with a contradiction.

His Lordship lastly replied to Mr. Luttrell, and entered into a great variety of computations, in which was included the whole question relative to the grants for naval services; the manner of voting them, and making up the accounts; of passing those accounts at the office of the auditor of the exchequer; of the incurring the expences under the several heads of expenditure, as well those voted by estimate, as those coming under the description of extra services or navy debt; of the requisitions to the board of treasury, and the warrants issued to the treasurer of the navy, &c.

After having walked over this beaten field, for nearly three quarters of an hour, he replied to several parts of the speeches of Lord Howe and Admiral Keppel. He said the noble Lord had expressed an intention of retiring from the service. He confessed he was sorry for it, because he was well convinced of his great professional ability, as far as he might be presumed to have an opinion on the subject; but at the same time, he declared, he was totally unconscious that any cause of disgust had been given to the noble Lord. If there had, he could truly affirm that he had no hand in administering it; and he was persuaded, that every one of his Majesty's confidential servants were equally blameless. He was sure that they entertained the highest respect for him as an officer and a man; and they might well be charged with all the folly and incapacity laid at their door, if they could have entertained a design, or entered into any conspiracy to defeat the successful execution of measures, which they had so nearly at heart, and which it was their duty to promote.

Much had been said relative to the neglect of ministers, respecting the protection of our commerce in the Mediterranean, and the necessity there was for sending a force into that sea. He thought that objection had been fully answered by the confession of the honourable Admiral himself, who acknowledged, that on being consulted on the propriety of detaching early to the Mediterranean, gave his opinion against it. Much of the same argument had been repeated by the honourable gentleman who made the motion; by the noble Lord, and the honourable Admiral, of our inferiority of force in the month of June last; that point had been already decided upon, the sense of the House had been taken, and it had, after solemn debate, declared that the evidence of the fact

fact was not sufficient to entitle it to the sanction of a vote. But independent of any previous opinion, he thought now, as he had done then, that the French fleet was not superior to ours, when the honourable Admiral sailed from Plymouth. He believed the force was pretty nearly balanced, that both fleets were in a forward state of preparation, and the event proved the strong grounds on which this conclusion rested; because when both squadrons got sight of each other on the 23d, they were thirty ships to thirty; though on the 27th the French were inferior, on account of two ships of their squadron having been by some accident separated, or not in a condition to keep company with the rest of the fleet.

On the whole, the prime object of sending the squadron to sea at either time, when the admiral first sailed from Plymouth, and afterwards from Portsmouth, being to cover and protect our trade and commerce both outward bound and returning, he thought it a very proper and wise measure to send Mr. Keppel to sea; the event proved that it was. Our merchant fleets proceeded with safety to their different destinations; our East and West-India fleets were protected; the commerce of our enemies was interrupted, and became the prey of our privateers almost to its total ruin: so that on the whole what appeared by the evidence, as well as what had been proved by subsequent events, he was enabled to affirm on the justest grounds of fact and probability, that we were equal to France, if not superior, in the month of June; and that instead of the first Lord of the admiralty or his Majesty's ministers deserving censure, for sending the honourable admiral to sea with twenty ships of the line, they merited the thanks of that House, and of the public at large.

Mr. *Byng* replied to Lord North upon the supposed want of proof. The noble Lord read the motion, part by part, and had endeavoured to put a negative upon each separate position. In imitation of the noble Lord, he begged the House to indulge him in the same manner. He should not press the same facts, which had been already so ably and correctly stated by his honourable friend who made the motion, nor the very important authentic document, read some time since by another honourable friend of his near him [Mr. Grenville] which had not been even attempted to be invalidated by any one person, except by a loose assertion made by the noble Lord in the blue ribbon. He should appeal

appeal to the feelings and conviction of the House, and read his honourable friend's motion negatively, and then leave it to the good sense and integrity of the House, whether any one noble or honourable person present would give the motion, thus altered, his assent. The motion would then run thus:

"It appears to this House, that the state of the navy, at the breaking out of the war with France, was very equal to what this House and the nation were led to expect." Where was the man daring and confident enough to maintain that proposition? And, "adequate to the exigencies of the various services for which it was the duty of his Majesty's ministers to have provided for at so important a crisis." Does not this, on the first blush, appear equally false and ill founded? Or will the noble Lord undertake to say, "that either were equal or adequate, to the declarations of his Majesty's ministers?" He will not, he cannot; or, lastly, will any man contend "that the great sums of money granted, and debts incurred, on account of the naval services," were exactly correspondent "to the real state of the navy?" He proceeded to observe upon the motion in this manner, and created a great deal of mirth on almost every side of the House.

Mr. *Burke* next rose, and was severe upon the language of the noble Lord in the blue ribbon, both on that and the preceding day, relative to the collective responsibility of ministers, and the individual irresponsibility of each, for matters transacted in his respective department; a language, he contended, equally new in that House and out of it; for it amounted, in fact, to an avowed irresponsibility, both individually and collectively. The chancellor, the secretaries of state, the first lord of the treasury or admiralty, according to this doctrine, might do or suffer any thing, without being amenable to Parliament or the nation. If they were over-ruled in cabinet, says the noble Lord, they cannot be responsible; if they are not over-ruled, neither can they be responsible: so that whatever any minister had done, or hereafter might do, he was by no means answerable for; because the evil or mischief transacted was transacted in the company of others. Who are those others? That no man can tell; the advisers of the crown are enjoined to secrecy. They may be the first movers or abettors of the greatest of all possible mischief, or any member of a committee or council may consent to be the instrument of carrying it into execution; but what of that? The instrument may perpetrate the mischief, though *as one* of the King's advisers he should disapprove of it, with impunity;

impunity; if he is a mover in it, he is equally beyond the reach of public justice or parliamentary censure; because it cannot be deemed his act, but that of the majority of those to whom it is proposed.—But who are the persons that compose this majority? That is not to be told; somebody, or some persons, have committed the crime, but no man is to be questioned for it. The noble Lord in the blue ribbon, in his usual pithy and humorous manner, related a saying of the late Sir Godfrey Kneller, that a thief was not to blame, but the person who left the thing stolen, in his way, which operated as a temptation to him to commit the criminal act. He begged leave to tell another story, he hoped no less humorous and applicable. Two men with cloaks went to an eating-house, and one of them stole a piece of flesh meat, and concealed it under his cloak; Oh, said the master to one of them, you are the thief, restore me my meat. No, says the thief, I am not, I give you leave to search, having previously shifted it to his companion. The latter being questioned in the same manner, returned it with equal dexterity to his colleague. So it was with the confidential servants of the crown, on the present occasion. If any of them is charged personally, it is not his act, but that of his brother advisers; and if the whole body is charged, another rises and answers for his share only, but leaves the nation to find out and search for the real authors; for the noble Lord tells you, that every thing is determined by a majority not known, nor whom no persons but themselves are permitted to know.

He then moved, that the speeches from the throne from the 26th October 1775, till the last delivered in November 1778, be turned to, and that part of them respecting the disposition of foreign powers read; which being complied with, he observed, that they contained the most full and compleat evidence of the public acts of ministers, contrasted with the real situation of public affairs. In them they had, particularly for the three last years, stated their apprehensions of the interference of foreign powers, accompanied with the fullest assurances of taking the most effectual steps of putting this country into a proper state of naval defence. They assured us, that France and Spain, so long as two years since, were arming, and gave it as a reason for an increased naval establishment. Were they at the end of those two years equal to France and Spain united, or even to France alone? On the opening of the last session, they again stated their apprehensions of the formidable naval armaments going on in the ports of Spain. Would the noble Lord, or any one per-

son in that House, rise and aver, that our navy was at this instant in a situation to contend with the united fleets of France and Spain? He was sure, confident as they were, they neither would, nor dared.

Here then was the clearest evidence, arising from parliamentary documents, and those of the highest nature, proceeding from the mouths of ministers themselves, that the state of the navy, in the terms of the motion, was unequal to what "the Nation and that House were led to expect from the declarations of ministers." He would not go back either to the close of the year 1777, or to July 1778; but he would put the question fairly and roundly to ministers up to the present moment. Was the state of the navy, at this instant, supposing that Spain should think proper to take a part in the quarrel, equal to those declarations which ministers had put into the mouth of their sovereign? Were we either superior to, or able to cope with, the united force of the whole House of Bourbon? He went into a great deal of matter which had before fallen in debate, and concluded with giving his assent to the motion of his honourable friend.

Lord *Howe*, in reply to Lord North, condemned the several naval arrangements, so far as they respected Europe; said it was highly absurd to suppose that the force in Brest harbour was not superior to that sent out under the command of his honourable friend; that the Mediterranean had been shamefully neglected; and that, in his opinion, our home defence was no way answerable to the vast sums expended, nor at all "adequate to the services necessary to be provided for at so important a crisis."

Admiral *Keppel* denied that he was sent out either as a convoy, or to protect the home trade. Neither of those were the objects, unless by consequence. He allowed, if the Brest fleet was kept in harbour, that of course the home trade was thereby protected: but the way to effect that, was not by sending him out with an inferior force; for if he had kept the sea, both his squadron and the trade would have run the risque of being destroyed.

The noble Lord in the blue ribbon, and the other noble Lord near him, had mentioned in argument, that there was no proof, but the imperfect papers found aboard the Pallas and Licorne, of the superiority of the Brest fleet. This matter had been purposely or mistakenly misrepresented, as he had observed in the last debate. He had not solely relied on the information contained in the papers. Persons taken abroad had been examined, their information compared, and the

the whole uniform correspondent stream of evidence was, that there were twenty-seven ships of the line then lying in Brest water, perhaps, by what appeared to the contrary, at that very instant at sea.

As to the fleet under his command being superior on the 17th of July to that of France, as asserted by the noble Lord who spoke first, he was mistaken, or did not attend to his assertions properly. The fleet of France was superior in number, but in point of strength nearly equal. If we had seven three-deckers, they had a great number of eighties; and though he granted in some situations three-deck ships were better than those of two, he doubted much if in an engagement such as that of the 27th of July, that two-deckers, being more manageable, and capable of quicker movements, and easier worked, were not fully equal to three-deckers, many of which were known to be slow sailers. And at all events, if he had his option, he did not know which he would have chose. He would have fought either fleet with equal confidence of success. He did not mean to arrogate to himself any superior skill or ability, nor to insinuate that the French were equal to us in point of skill or bravery, but merely as to the point of effective strength.

Sir *James Lowther* said he was for the previous question moved early in the day by Mr. Adam; and said, if there was an enquiry, it ought to be a judicial enquiry.

Mr. *Fox* rose about a quarter after twelve o'clock, and begged that no person would give a vote in favour of his motion, who was not perfectly satisfied that the general facts stated in it were fully proved both literally and substantially, and that ministers had failed in their repeated assurances to the Nation and that House.

At one o'clock the House divided; ayes 174; noes 246.

The following eighteen gentlemen, who were absent on the former division on the third instant, (see page 52) voted in the minority in this division.

Admiral Keppel	Windsor
Richard Wilbraham Bootle	Chester
Sir Alexander Leith	Tregony
George Rous	Shaftesbury
Henry Cruger	Bristol
John Radcliffe	St. Alban's
John Wilkes	*Middlesex*
John Glynn	*Ditto*
George Hayley	London

Lord Wenman .....*Oxfordshire*
Benjamin Lethieullier.....Andover
Sir Patrick Blake .....Sudbury
Ser Ger. W. Van Neck.....Dunwich
Frederick Standert.....Blechingley
Pinkney Wilkinson .....Old Sarum
Lord Bulkeley.....Anglesea
Sir Henry Williams.....Beaumaris
Glynn Wynn.....Caernarvon

Sir Horace Mann, member for Maidstone, also voted in the minority on this division. He voted in the majority on the 3d of March.

The following gentlemen, who voted in the minority on the 3d of March, were absent on this division:

Hon. T. Howard	Christopher Mollyneux, Esq.
Serjeant Adair	George Forrester, Esq.
Humphry Sturt, Esq.	James Lowther, Esq.
Charles Barrow, Esq.	John Dunning, Esq.
Hon. B. Gray	Sir Herbert Mackworth, &c.

March 9. No debate.

March 10.

Sir *Henry Hoghton*, agreeable to notice he had given some days before, said he should move for some farther relief being given to Protestant Dissenters. Sir Henry entered, in a summary way, upon the whole extent of the argument of religious toleration; and contended, that, as a liberal and enlightened nation, it was a matter of great reproach to this country, that its established church still retained the prejudices of barbarous times, and continued the practice of intolerance and persecution, in direct opposition to the true principles of Christianity, and in defiance of the precepts of the divine institutor of our holy religion. Sir Henry spoke of the favour lately done to the Roman Catholics by the legislature, asserting that the measure was exceedingly wise and proper, but arguing that it was much more necessary to afford some relief to the Protestant Dissenters; and that after such a step as Parliament had last year taken respecting the Roman Catholics, it would be the most absurd piece of conduct, and the most violent inconsistency, if Parliament refused to extend a similar degree of toleration to sects of men who were quiet, inoffensive, and useful citizens, and whose religious opinions came so much nearer the doctrines of the established church of England. He then took occasion to shew, that his argument was not built merely upon his own private opinion; he

he said that some of the most learned and best informed members of the established church entertain the same sentiments, and not only men whose profession was not clerical, but ministers of the word of God, and ministers who had attained very high honours in the church. In support of this assertion, he mentioned the Bishop of Exeter, who in his sermon, preached on the 30th of January, had emphatically expressed his wishes that religious toleration were extended, and that the Protestant Dissenters might have a legal security for the free exercise of their worship. With the leave of the House, Sir Henry read an extract from the Bishop's sermon; an extract couched in the strongest terms of philanthropy, liberal sentiment, and solid sense. Having finished his recital, Sir Henry concluded his speech with moving,

"That this House do now resolve itself into a committee, to consider of granting further relief to Protestant dissenting ministers and schoolmasters."

Mr. *Montagu* seconded the motion, and as he conceived every man in that House had the liberality to be an advocate for toleration, he could not suppose any one member would rise to oppose a motion so fair, and of so little extent, as that of his honourable friend; for which reason, he declared, he would not add a word in support of his argument, but would reserve his sentiments for a future occasion.

The motion was read by the Speaker.

Sir *William Bagot* began with professing himself as zealous an advocate for toleration as any man in the House. He begged, however, that gentlemen would consider that the motion led to a matter of as much importance as had ever been agitated in Parliament, no less than an alteration of the constitution of this country; an essential alteration in her establishment of church and state. He took a short review of our present situation; said, these were days of tumult, of division, of jealousy, and of war; declaring that there wanted nothing but the implacable spirit of religious controversy to blow upon the very existence of this empire. He wished, therefore, that the agitation of a question of so serious a nature was postponed till quieter times, and till the minds of men were less agitated and less inflamed. He said that it was more necessary than dangerous, at this particular crisis, to attempt any alteration in the religious laws of this country. That there was no complaint of persecution made by the Protestant Dissenters, nor any desire expressed by them of having a greater degree of toleration than they now enjoyed. On the contrary, from the sermons of some of the ministers of

that persuasion, and from other publications, it was obvious, that the toleration as it now stood was ample, and that, under that toleration, doctrines were delivered and disseminated of a very extraordinary nature indeed. He spoke of the alarming progress of atheism, and of the multiplicity of atheistical opinions which were daily issued from the press. He called the recollection of the honourable gentlemen who made and seconded the motion, back to what had passed, when it was last attempted to alter the laws respecting Protestant Dissenters. At that time the petitioners came to Parliament with a pledge in their hands, a test that they were Christians, and yet it was thought improper to grant them the relief prayed for. They had at that time asked for relief on the express condition of using the holy scriptures, and preaching the gospel as the divines of the established church did; now, he understood, they were to be left at large, neither to subscribe to the articles, nor to give any pledge whatever as a security that they would not oppose the fundamental doctrines of Christianity.

Mr. *Montagu*, in reply, begged the honourable baronet to consider, that the present motion did not go in the least to alter the constitution; on the contrary, it was only the first stage of an endeavour, to afford the Protestant Dissenters the same degree of toleration which had lately been granted to Roman Catholics. He was, he declared, not a little amazed to hear the doctrine, that a bill to warrant toleration would create tumult, and occasion controversy; he had ever imagined, that an extended toleration would put a stop to the latter, and prevent the former. He had been accustomed to think, that religious controversy arose from bigotry, from enthusiasm, from obstinacy, and from ignorance, and not from a liberal allowance of opinion, upon a subject respecting which all sentiments were rather founded in hope than in certainty. The honourable baronet had professed himself a friend to toleration, and yet rose to oppose it, where it might be given without the least danger to the state, or to individuals. The intention, it was true, was to give free, unlimited toleration to the Protestant Dissenters. The honourable baronet had wished, that they might subscribe to the articles of the established church. Was it possible, in the nature of things, to make a more absurd requisition? What! ask a religious sect, of a peculiar way of thinking, to subscribe to the articles of another sect of a directly opposite opinion? There was such a manifest inconsistency in the supposition, that it was not worth a moment's argument.

Sir

Sir *George Yonge* declared himself an advocate for toleration, was heartily pleased that the business was begun upon, rejoiced that it had got into such able hands, and promised the honourable gentleman who made the motion his assistance and concurrence.

Mr. *Wilkes*. I rise not at this time to enter into the merits of so important a question to religious liberty among us, but to answer the objections of the honourable gentleman near me, against going into a committee for this consideration. This early opposition is more harsh than well judged. He thinks the question should not now be agitated, because a time of tumult, distress, and war, is a very improper season to make the least change in the state of religion in any country. Did the worthy baronet forget that a just relief was the very last year granted to many oppressed loyal subjects, to the Roman Catholics, and an important change made in their situation among us? Yet, Sir, the last year was equally a year of tumult, distress and war. Not the least inconvenience of any kind has arisen from the act of last session in favour of the Roman Catholics, from so great an alteration in our ecclesiastical police. On the contrary, the nation has more firmly attached to it, by the ties of gratitude, a very considerable number of useful subjects. Not the least tumult or disturbance has been the consequence of that wise measure. It is impossible, Sir, that toleration can create tumults and religious wars. Persecution is, indeed, a most active dæmon, delighting in human sacrifices, has drenched our fields, and dyed our scaffolds, with the slaughter of the victims of religious rage: but the spirit of toleration is conciliating, heals divisions, and teaches men mutual forbearance, meekness, gentleness, and universal benevolence. The worthy baronet, in the great compass of his reading, will not give a single proof of the mischief even of the most unlimited toleration, but he will find innumerable marks of the bloody footsteps of the revengeful and remorseless persecutor, less intent to save than to destroy.

Another objection which the honourable gentleman has urged, is, that there is no petition before the House from any body of the Protestant Dissenters, no complaint of persecution, no instance of severity against any of the sects which differ from the Establishment. When the House proceeded the last year to give relief to the Roman Catholics, was any petition previously presented? Was a committee appointed to state the various facts of persecution, or even harsh usage? Were any cases of that nature urged in proof? No, Sir, the House

proceeded on the liberal idea of removing all unjust and impolitic restraints, on the justice of leaving the subject free as to all opinions merely religious, on the natural right of every man to worship his Creator in the manner which he thinks most acceptable to the Deity. The Roman Catholics had not been harassed by any legal prosecutions; but the laws were unrepealed, which put them in the power of every infamous informer. They were subject at any time to the most rigorous penalties, at all times to the most mortifying restraints. The wisdom and equity of Parliament at last interposed, and restored them to several of their natural rights. Surely, Sir, the Protestant Dissenters have a much stronger claim on government. They have steadily supported the cause of freedom. They have acted on almost every occasion with spirit and vigour against those who have endeavoured to overthrow this free constitution, and bury liberty in its ruins. As the consequence and proof of their attachment to the cause of liberty, they have been among the most zealous for the succession in the present illustrious family, a succession often secretly attempted to be undermined, and openly invaded by the tools of arbitrary power, both at home and abroad. At this hour, however, the Dissenters remain subject to several barbarous and cruel laws, enacted on the spur of a present necessity, as it was thought, and therefore acquiesced in almost without murmuring; but laws which disgrace a thinking people, and are a contradiction to every principle of sound policy.

The honourable gentleman near me has opposed the motion on another ground, the danger of it to the established church at this alarming period. He pathetically laments the progress of atheism, and the publication of many atheistical books within the last twenty years. I think this accusation on our country ill-founded. I believe, Sir, I have read more books of religious controversy than the worthy baronet, and I deny the publication of the numerous atheistical works, which have engaged the public attention in this country, even for the last half century. I might call for the proof of a single atheistical book, of the least note, published in the eighteen years of this pious, if not glorious, reign. Deism, indeed, Sir, sound, pure deism, has made a rapid progress, not only in this island, but in every part of the continent. It is almost become the religion of Europe. Atheism is certainly not the prevailing, fashionable error of this enlightened age or country, but every year adds to the number of the disciples of deism. I have not heard of outrages or violent persecutions among the Deists, although certainly they are greatly multiplied of

late;

late; but we have to lament the uncharitable spirit of most sects of Christians, and even of not a small number of the established church of our own country, of which I am a member, as well as my good neighbour. The honourable gentleman is not well informed. It is a mistake to impute all the late publications against the received system of the Christian religion to the Protestant Dissenters of any denomination. The fact is, that the authors of the greater part are members of the established church of England.

As the laws now stand, a dissenting preacher is obliged to avoid severe penalties, and, to enjoy the act of toleration, to subscribe to the thirty-nine articles of the church of England, that is of another church, except the 34th, 35th, and 36th, and a part of the 20th article. I hope we shall go into a committee, to consider of the repeal of so unjust and so uncharitable a system of laws. I will not now, Sir, examine the orthodoxy or absurdity of the doctrinal parts of the thirty-nine articles; but I desire to protest against any man's being compelled to subscribe them, because they militate against the first great principle of Christian charity. In the 8th article we find, "that the three Creeds, Nice Creed, Athanasius's Creed, and that which is commonly called the Apostles' Creed, ought thoroughly to be received and believed, for they may be proved by most certain warrants of Holy Scripture." Now, Sir, one article of faith in the Athanasian Creed is, that, "except every one do keep whole and undefiled the Catholic faith, as set forth in that Creed, without doubt he shall perish everlastingly." I want words, Sir, to express my horror at the total want of Christian charity, the indecency, the foolish prejudice, and even insolence of such a declaration. A much higher church authority than St. Athanasius, the apostle Peter assures us, that "in every nation he that feareth God and worketh righteousness, is accepted with him." And the great apostle of the Gentiles, St. Paul, seems to hold a very different doctrine; for he tells us of three beautiful sisters, the three Christian Graces, "Faith, Hope, and Charity, which abide, these three, but," he adds, "the greatest of these is Charity." I hope the committee will exempt the Protestant dissenting ministers and schoolmasters from being called upon to subscribe this monstrous proposition of St. Athanasius. I think it our duty, for these considerations belong directly to the jurisdiction of Parliament. By the very writs of election, we are called together to consider of certain arduous and urgent affairs concerning the state and the church. The moment likewise appears to be happily

chosen,

chosen, for the bandage is at last fallen from the eyes of Superstition, and persecution drops her iron rod.

I am not struck by the dread of the danger of the church, with which some gentlemen seem alarmed. On the contrary, I think it would do honour to our church, to treat with tenderness all those who are unhappy enough not to be in her bosom. I admire the temper with which the late indulgencies to the Roman Catholics were received, and most certainly a reformed church must be still more kindly disposed to their Protestant brethren. Our Master has told us, in the largest and most general terms, that "where two or three are gathered together in his name, he was in the midst of them."

Sir, I honour the ingenuity of the worthy baronet who made the motion, in contriving to oblige us to hear many pages of a sermon, by reading them as part of his speech. It was happily imagined; for I understood, on a late occasion, not one member of this House attended you, Sir, to St. Margaret's, and I believe the chancellor likewise, on that day, was left without a single lord. Surely, Sir, it is then high time to discontinue the observance of that annual fast for the death of a tyrant. Many other sermons have been quoted by other gentlemen, but the proof arising from them only goes to the private sentiments of the preacher, or of the few who hear, or read, and approve those sermons. I really think the general opinion of the clergy at this day, is for a liberal toleration, and I trust a majority even of the episcopal order will assent. They have acquiesced in the justice done to the Roman Catholics, and I hope the present relief intended to the Protestant dissenting ministers and school-masters will not be given with reluctance, nor in the least delayed, but cordially adopted both by clergy and laity, and that the House will immediately resolve itself into a committee of the whole House, to consider of granting further relief to Protestant dissenting ministers and schoolmasters.

Sir *Roger Newdigate* was against the motion, and contended it was equally unwise and dangerous to the fundamental principles of the established religion, to alter the laws of toleration. He begged gentlemen to remember that they represented millions of Protestants of the established church, and that they ought in duty to regard their interests, in preference to those of a few Protestant Dissenters. He said that the Protestant Dissenters, at present, enjoyed a greater degree of toleration in this country, than in any country in the world; asserted, that our church breathed an air of meekness and liberality, but that the Dissenters themselves shewed a spirit of

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persecution and intolerance; instancing the present persecution of the members and ministers of the church of England by the Americans, declaring that there was scarcely a ship came home from across the broad Atlantic, in which there was not one or more clergymen of the established church, who had been deprived of their livings, stripped of their property, and even forced to fly for their lives. He asserted, that when the bill for the relief of the Dissenters was last in agitation, his levees were every morning crowded, not with divines of the church of England trembling for their incomes, not with dignitaries of the church of England trembling for their episcopal honours; but with honest, worthy, and respectable Protestant Dissenters, good Christians, and orthodox ministers, who came to complain of the danger of the measure in agitation, and to beg that he would oppose it; because, under the pretext of relieving them from subscription, it would let in the Anti-Trinitarians, the Anabaptists, and all manner of sects, and be attended with consequences infinitely mischievous to religion in general. As a proof that the present act of toleration went far enough, he mentioned the late publications of the Dissenters: not publications merely upon points of polemical controversy, but striking immediately at revelation, and denying the immateriality of the soul. These publications, he declared, came not from ignorant men, from the lower order of Dissenters, but from its ministers and preachers;—from divines of that church of acknowledged learning and acknowledged ability.

He said further, that the present application was not for a trifling relief, but for an essential alteration in the legal establishment of the religious constitution of the country; for an *imperium in imperio*; for a degree of power being given to Protestant Dissenters, which was extremely alarming, and ought to be opposed by every man who held the constitution of his country sacred, and who regarded the religion of his country in its proper light, as the foundation of all our liberties.

Sir *Adam Fergusson* declared he rose principally to set the honourable gentleman right, respecting one of his assertions. He had said, the Protestant Dissenters enjoyed more freedom of toleration in England, than any sect enjoyed in any country on the face of the globe; the assertion was ill founded. The religion of this united kingdom, Sir Adam observed, was notoriously of two kinds; episcopal in England, presbyterian in Scotland. The Episcopalians who were in Scotland, consequently, were dissenters from the established church there. No sect whatever could enjoy greater toleration. At Edinburgh they had a very large church, and performed their

religious

religious offices with the greatest splendour and the greatest freedom. It was a matter much to the honour of the city of Edinburgh. What was more, those of the established church of England who lived in Scotland were suffered to exercise their religion there, without being asked to subscribe to any article of the church of Scotland, or to give any test whatever of their principles. He took notice also of the absurdity of calling upon Dissenters to subscribe to articles opposite to their religious opinions, and said, he feared there might be found some instances of dissenting ministers having subscribed the thirty-nine articles, several of which they did not believe.

Sir *J. Goodricke* thought it was the properest time of any to grant the relief requested; union was much wanted throughout the kingdom, and this would promote it, instead of causing any heats or animosities; they subsisted now for want of such a measure.

Sir *Henry Hoghton* said a few words to clear the Americans, on the authority of Dr. Franklin, from the charge of persecuting the clergy there of the church of England.

The question being put, the motion passed almost unanimously, and the House went into a committee directly, Mr. Montagu in the chair. A resolution was made, that leave be given to bring in a bill for the further relief of the Protestant dissenting ministers and teachers.

The House was resumed.

Lord *Newhaven* hoped, as a spirit of toleration and liberality had gone forth in the House, that the relief he had to propose for Ireland would not want for success. When he moved for a general enquiry into the laws respecting the trade of that kingdom, he was told that he was too general, and ought to lay before the House some specific relief. He had therefore adopted that mode. But before he intimated it, he would beg leave to say a few words, and but a few words, the matter having already been so amply discussed. The noble Lord then took a cursory review of the trade of Ireland.

The facts which his Lordship stated, to shew how much the distressed state of Ireland affected England, were, that on an average of the last ten years the exports from England to Ireland were decreased about six hundred thousand pounds, and in the two last years they had decreased seven hundred and sixteen thousand pounds: that the exports from Ireland in the last two years had decreased one hundred and fifty-five thousand pounds; on which decrease 75,000l. were on the staple of linen; that the exports from England into Ireland on an average of ten years were two millions fifty-seven thousand

thousand pounds; that the imports from Ireland into England were but thirteen hundred and fifty-three thousand pounds; so that the balance in favour of England, on an average of ten years, was seven hundred and four thousand pounds sterling per annum, which, multiplied by the ten years, plainly shewed that England gained by the trade of Ireland alone seven millions and forty thousand pounds in that time.

He moved, "that the House will, on the 19th, resolve itself into a committee, to take into consideration the acts of Parliament relating to the allowing the importation of sugars from the West Indies into Ireland."

Governor *Pownall* said, he was not against the motion for relieving Ireland. He did not object to it on that ground; but said the motion would raise alarms here, and do no good to Ireland; therefore he wished to see the motion extended to something that would give a real and substantial relief to Ireland, and that too upon the ground and principle of system.

Sir *George Yonge*, Sir *Philip Jennings Clerke*, Mr. *Cruger*, &c. were against the proposition, on the ground that though Ireland may have suffered in her trade since the American war, yet this nation had suffered infinitely more; if she had lost 5000l. a year, England had lost almost as many millions; and that, upon the whole, to give Ireland any farther indulgences than those she at present enjoyed, might very possibly endanger this kingdom on the sovereignty she held over her.

Mr. *Townshend*, Lord *Nugent*, Lord *Beauchamp*, Gen. *Conway*, Mr. *Welbore Ellis*, &c. contended for the propriety, the expediency, and the policy of the motion, maintaining that it was a specific, simple proposition, and could not be of any one disadvantage to Great Britain; besides, that the prosperity of Ireland was too essential to this country not to give her every encouragement that could possibly be given.

The question was put: for it 47; against it 42.

March 11.

Sir *Joseph Mawbey*. I have presumed to draw the attention of the House to a question of great importance to the honour and dignity of the House; a question relative to the right which the noble Lord, who is secretary of state for the American department, claims to a seat amongst us, whilst he fills that office.

From a due sense of my own inability, I have wished, ever since the illegality of his sitting here occurred to me, (now a little more than a year ago,) that this question might have been brought forward by some gentleman of greater weight and ability than myself; and for that purpose I suggested.

gested those wishes to several gentlemen of this House. No such person having stood forth on this occasion, I think I should ill discharge the duty I owe to that great, respectable, and independent county, which has done me the honour of sending me hither as its representative, if I neglected, thinking as I do upon the matter, to agitate this question. In this pursuit I hope for the indulgence of the House, necessary to me on all occasions, but more particularly so at this time, when I am much afraid it will not be in my power to make myself heard.

I am aware, Sir, that many gentlemen in this House, and others without doors, will suppose I am actuated on this occasion by personal considerations. To such it may be proper to say, I disclaim all personal motives whatever. The noble Lord, whose administration I have uniformly opposed, because I differ entirely with him on the legality as well as expediency of the American war, has never given me any personal offence; besides, I have been led by education, reflection, and conviction, to think highly of that great, just, and necessary Revolution, at the end of the last century, which secured our civil and religious liberties. I have been led, in consequence, to entertain a veneration and respect for the noble and gallant spirits who took the lead in that Revolution. Amongst the foremost of that number, I read with pleasure the name of the Earl of Dorset, a nobleman not more distinguished for the gracefulness of his manners, his love of literature and the muses, than for his steady and incorrupt patriotism. The noble Lord who sits opposite to me, is the grandson of that amiable nobleman, and as such my mind has entertained a prejudice in his favour. I am very little acquainted with that noble Lord, but I may be allowed to say, that, having had the honour a few times in my life of meeting him round the same table, his good humour, good sense, and complacency, have been such as in no degree to lessen that prepossession.

But it may be said, I am influenced merely by motives of opposition to administration. I wish to say a word or two upon that head: I have sat a considerable time in this House, now near twenty years, during almost the whole of which time I have been in opposition; not because of any dislike to the persons of ministers, but because I thought their measures were such, that, as an honest and independent man, I ought not to approve. There was, indeed, a short, very short administration, whose general measures I supported, because I thought it founded on the truest principles of con-

stitutional liberty, and, if I may use the expression of a great ornament of this House at that time, now unfortunately no more, because it appeared to me to be unconnected with "the man that wanted wisdom, and held principles incompatible with freedom." The members that composed that administration, seemed to me to realize their professions; they procured to be enacted propositions they had thrown out whilst in opposition; they repudiated and rejected acts they had opposed when on this side of the House. Of that administration I will only say, that every man in this House, every man in this city, every man in this kingdom, must now be convinced, that if it had continued till this time in power, or their successors in office, and the noble Lord in the blue ribbon in particular had adopted their principles, we should not now be deploring the melancholy situation of this country; a situation which has brought distress and ruin to our merchants, manufacturers, and tradesmen; a situation which has tarnished the glory of the English name abroad, and has brought on almost national bankruptcy at home. If the members that composed that administration should come again into power, strengthened as I hope they will be by gentlemen who have in general thought alike on political subjects, unless they desert their principles, they will have my cordial, though, it should be, feeble support.

When I talked of the man that wanted wisdom, and held principles incompatible with freedom, I trust no gentleman that hears me will think I can be weak enough to believe, that public spirit and integrity are the growth of any particular country, much less that they are to be found only on the particular side of any particular river. There never was a time when I did not detest such an idea; with all the zeal of youth, (and young men, who are honest, are apt to be zealous,) I at that time contemned such an opinion; sentiments of that sort are only suited to the breasts of the lowest of the vulgar; they were never entertained by me. The Scottish nation have shewn themselves in all times friends to freedom; I may appeal for the truth of this observation to the resistance they made to the tyranny of their own kings; I may appeal to their opposition to the despotic measures of Charles the First; I may appeal to their conduct at the Revolution, and afterwards; if any thing has made them appear less forward in the support of general freedom in our own times, I fear it may have arisen from the indiscriminate abuse which has been thrown upon them as a nation. There are many gentlemen in this House, of that country, and many without doors, with some of whom I have the honour

of

of being acquainted, whose abilities, integrity, and love of liberty, are exceeded by no set of men whatever. The time is come, I trust, when Englishmen, when Scotchmen, Welshmen, and Irishmen, will unite and rescue the King and Country from measures, which, if persisted in, must bring ruin upon both.

But, it may be said, why not have taken up this question sooner? My answer is, it did not occur to me when the noble Lord was admitted to this present office. Indeed, in my own opinion, this is as fit a time as any to agitate the question. If, when the noble Lord was first appointed, to give, as it was said, vigour and energy to the councils of the crown, I had then attempted to bring forward this enquiry, thinking, as I have always thought, of the injustice and inexpediency of the American war, it would have been said, I wanted, on that account, to deprive the public of his services. Indeed, it would not have been possible for me, at that time, to have stopped his carreer, when he was mounted on the great horse, unconditional submission, and surrounded by gentlemen in this House, encouraging his progress by the offer of thirteen and fourteen shillings in the pound. The time is come when they have recovered their senses, and have found, instead of transferring their public burdens to the Americans, they are loaded with taxes, which neither they nor their posterity will see the end of.

That I do not take up this question, and other enquiries I mean to make, as a mere measure of opposition to ministers, must have appeared by the motion I made a short time ago, for a copy of the appointment of the American commissioners, with a view of shewing that they were precluded thereby from sitting in this House. That motion had a tendency to affect the seats of gentlemen, for whom I entertain very great respect, and who have in general agreed with me in political conduct here. That motion will sufficiently manifest my impartiality. I applied to no one to second that motion, believing a gentleman, who had before allowed the inference I meant to draw from it, would have done it; as it is, I shall not make it again, but shall be ready to second such a motion, if any one else will make it.

With all my veneration for the Revolution, I am obliged to confess that the opposition it met with from a considerable party, and the pressure of the times, begat the necessity of heavy taxes, and introducing a plan and system of funding or borrowing money, on the expected produce of those taxes, which has since been carried to a height that must fill every *thinking man in this* country with the most fearful apprehensions.

hensions. The patriots of those times, however, aware of the influence the crown would acquire by the establishment of new officers for the collecting and managing those taxes, took care to disqualify such officers from sitting or voting in this house. Hence arose the various acts of Parliament establishing such disqualifications.

Before the Revolution there were but few disqualifications affecting the elected. I know but of two acts of Parliament, one in the first year of Henry the Fifth, confining their residence to the counties, cities, and boroughs, for which they served; the other the 23d of Henry the Sixth, respecting knights of shires. There were, indeed, certain disqualifications, by the *lex et consuetudo Parliamenti*, as that neither aliens nor minors should be elected; that the clergy could not be chosen, because they sit in convocation; persons attainted of treason or felony could not sit, because they are unfit to sit any where: the judges, my Lord Coke says, cannot sit, because of their attendance in the House of Lords. In my poor opinion there may be another, and as good a reason assigned, and that is, that it is highly improper to blend the legislative and judicial capacities together.

Here let me remark, by the way, that at a time when the judges of England are prevented by the law and custom of Parliament (which is the law of the land) from sitting in the House of Commons, and the judges of Scotland are declared incapable of being elected by the act of the 7th Geo. the Second, the very great impropriety of the judges for the principality of Wales sitting in this House.

I beg leave to recommend this matter to the consideration of the honourable gentleman who has this day moved to augment the Welsh judges salaries, and to the notice of the gentleman who complained of the want of qualification in the commissioners of the land tax for certain counties there, hoping that they will bring in a bill to exclude Welsh judges (after this Parliament) from a seat in this house; they shall have my assistance in that business, believing, as I do, that it is highly proper that the venerable and chaste character of a judge should not be injured and lessened by political altercations here. I have no ill-will to the three or four gentlemen of that description at present amongst us, for whom I bear respect; but when I wish to guard this house from the improper influence of the crown, it is impossible for me not to wish its influence in this instance corrected.

The act, Sir, of the 5th and 6th of William and Mary, which laid a duty on salt, beer, ale, and other liquors, expressly declared, that no person concerned in farming, ma-

naging, or collecting the said duties, shall be capable of sitting in Parliament. It also disqualifies the managers of all other aids that shall hereafter be granted. The 11th and 12th of King William, excluded the commissioners of excise, of appeal, comptroller, and auditor. The 12th and 13th of King William, excluded the commissioners of the customs. It went further, and even forbids them from using any influence with voters, under certain penalties. The act of the 4th of Queen Anne went still further, and excluded various descriptions of men, all of whom are expressly declared incapable of being elected, by the act of the 6th of Queen Anne.

This act of the 6th of Queen Anne, Mr. Speaker, is entituled "An act for the security of her Majesty's person and government, and of the succession of the crown in the protestant line." It was become necessary to make divers alterations in relation to the act passed in the Parliament of England, in the fourth year of her reign, on account of the happy union of England and Scotland. The 25th section of this act runs in these words, "And be it further enacted, by the authority aforesaid, that no person who shall have in his own name, or in the name of any person or persons in trust for him, or for his benefit, any new office or place of profit whatsoever under the crown, which, at any time since the 25th day of October, in the year of our Lord 1705, has been created or elected, nor any person who shall be a commissioner, or sub-commissioner of prizes, secretary or receiver of prizes, nor any commissioner of transports, nor any commissioner of the sick and wounded, nor any agent for any regiment, nor any commissioner for any wine licences, nor any governor or deputy governor of any of the plantations, nor any commissioner of the navy employed in any of the outports, nor any person having any pension from the crown during pleasure, shall be capable of being elected, or of sitting or voting as a member of the House of Commons, in any Parliament which shall be hereafter summoned and holden."

The 27th section of the same act runs as follows:

"Provided also, and be it enacted, that in order to prevent, for the future, too great a number of commissioners to be appointed or constituted for the execution of any office, that no greater number of commissioners shall be made or constituted for the execution of any office, than have been employed in the execution of such respective office at some time before the first day of this Parliament." The act goes on, and declares, that the election and return of all such shall *be void to all* intents and purposes whatever; and if any

person

person declared incapable, shall presume to sit or vote as a member of any future House of Commons, such person so sitting or voting shall forfeit 500l. to be recovered by such person as shall sue. There is also a clause declaring every person disabled to be elected to sit or vote in the House of Commons of any Parliament of England, shall be disabled from sitting in the House of Commons of any Parliament of Great Britain; and a special clause, that the commissioners for the disposal of 398,085l. to be given by way of equivalent to Scotland, shall not be thereby disabled.

The 1st Geo. I. sect. ii. cap. 56, disables any person from sitting in the House of Commons, who shall have any pension from the crown for any term or number of years, and subjects such person as shall so sit to the penalty of 20l. per day.

The 17th of Geo. II. regulates the elections of members to serve for Scotland, and incapacitates the judges of the court of session, court of justiciary, and barons of the court of exchequer in Scotland, from being elected members of Parliament.

During the administration of Sir Robert Walpole, various attempts were made to restrain the influence of the crown over this branch of the legislature; place and pension bills were frequently brought in, and two or three times actually passed the House of Commons, but were as often lost in the other House of Parliament. On the retreat or removal of Sir Robert Walpole, an act of Parliament was however passed in 1742, 15th Geo. II. which disabled the commissioners of revenue in Ireland, the commissioners of the navy and victualling offices, clerks in various departments, and many other descriptions of men, who, from their situation, were supposed, natural enough, to be under influence, from sitting in Parliament, and subjecting such as should, notwithstanding, presume to sit and vote, to a penalty of 20l. a day.

In the 33d Geo. II. an act passed to oblige members to deliver in a schedule of their qualifications, and take and subscribe an oath of the same. These, Sir, are all the disqualifications on the persons to be elected to Parliament, excepting that there are three acts in the reign of Queen Anne, and one in the reign of George II. disabling the registers, or their deputies, for the three Ridings in Yorkshire, and the county of Middlesex, from sitting in Parliament.

Having thus given a general account of all the acts of Parliament on the subject of disqualification, I will now proceed to shew, that the noble Lord who holds the office of

secretary of state for the American department, has no right to a seat in this house.

That the office of Secretary of state is of very ancient establishment in this kingdom, I am ready to allow, though they were not always considered of equal importance as now. I have endeavoured to acquire all the knowledge I could of that office; I think, therefore, I am warranted in saying, that there never was more than one secretary of state till towards the end of the reign of Henry the Eighth. Chamberlayne says, in a very old edition, "In the reign of Henry the Eighth, there was but one secretary of state; but towards the end of that reign, it was thought fit that weighty and important office should be discharged by two persons, both of equal authority, and both styled principal secretaries of state, one for the southern, the other for the northern department."

Two secretaries of state only were appointed at the same time in King Henry's reign. In the time of his successor, Edward the Sixth, there were only two secretaries of state, till towards the close of his reign; a third secretary was then appointed in the person of Sir John Cheek. Of this appointment, as I expect to hear much from the opposite side of the house, I will presently speak more fully.

In the reign of Queen Elizabeth there were but two secretaries of state; there were no more in the reign of King James. In the reign of Charles the First, there were but two, they were secretary Windebank, at one time, and Coke; and afterwards Sir Henry Vane, the elder, succeeded. At the Restoration, Sir Edward Nicholas and Sir William Morrice were the secretaries. On or about the year 1670, Henry Lord Arlington succeeded Sir Edward Nicholas, and Sir John Trevor Sir William Morrice. There continued to be only two secretaries of state during the remainder of King Charles the Second's reign. There were but two in the reign of James the Second. There were no more than two in that of King William, nor, I believe, in that of Queen Anne; at least in that part of it which preceded the year 1705.

Having thus shewn that originally, and till the end of the reign of Henry VIII. there was but one secretary of state, and afterward but two (except in the single case of Sir John Cheek, in Edward VIth's time), I now proceed to take more particular notice of that appointment.

I contend, Sir, that that precedent is not such as should have attention paid to it. It was established in a time of faction, and existed but a moment. Gentlemen know that the Duke of Northumberland plotted to bring the crown into his

his own family, in consequence of the marriage of his son the Lord Guildford Dudley with the Lady Jane Grey, who, after the King's sisters, Mary and Elizabeth, was presumptive heir to the throne. He prepared himself accordingly; some of his creatures were put into old offices, for others new offices were created. Sir John Cheek had been the King's preceptor; he had, it may be reasonably presumed, in consequence, an influence over the royal mind. Mr. Secretary Cecil had besides married Sir John Cheek's sister, and Cecil had at first objected to the settlement of the crown in favour of the Lady Jane, though he afterwards became a witness to it; it was of the utmost importance to Northumberland's views, to gain Sir John Cheek a new office; a new appointment was therefore created for him, that of third secretary of state; he had besides douceurs given him. Sir William Peter was the other secretary; a man, I may safely say, without principle; who served for crowned heads, in that capacity, as different in intellect and turn of mind as principle; namely, Henry the Eighth, Edward the Sixth, Queen Mary, and Queen Elizabeth. Strype, in his Ecclesiastica Memorials, in 1553, says of Sir John Cheek,

"In the next month, viz. June, a third secretary was appointed (a thing not known before), viz. Sir John Cheek, whose love and zeal for religion made him safe to the interest of Lady Jane; and a gift was added to him and his heirs, of Clare in Suffolk, with other lands, to the yearly value of one hundred pounds."

That the appointment in his favour was merely the result of political arrangement, to forward the Duke of Northumberland's views, I think is beyond a doubt; he was appointed in 1553; King Edward died on the 6th of July following, and, on the 19th of the same month, the Lady Jane resigned her pretension to the crown; so that Sir John Cheek could only have held that office for a month. That he was the Duke of Northumberland's principal agent, I have no doubt; he fled on Mary's accession; he was brought back, imprisoned in the Tower, and stripped of his substance; to save his life he signed a declaration, professing popery, and died in 1557, contemned, as he deserved to be, by all good men, for wanting principle. I trust the house will agree with me, that such a precedent, in such a time, for such a purpose, and for a month only, deserves not the least attention.

I am, Sir, at a loss to guess upon what ground the noble Lord's right to a seat in this house will be defended. I con-

tend that it is a new office, new in fact, though not in name. The noble Lord seems cautiously to have avoided any new description, and therefore, in the grant on the table, it is called the office of one of his Majesty's principal secretaries of state; but the truth is, his Lordship is secretary of state for the colonies only. Look into the red book, there you will find the officers of the different departments; those for the southern and northern departments, and, under the head of secretary of state for the colonies, the name of the noble Lord; his office is confined to the correspondence with the colonies and America only; enquire of your Generals, enquire of your Admirals, some of whom are now in the house, they will tell you that their orders came through the office of the noble Lord, and I have been informed, I believe from pretty good authority, that his Lordship, as secretary of state for the colonies, disposes, in that capacity, of all employments there; they have given in the grant an old name to a new office, with a manifest intention of avoiding detection, and the act of Queen Anne. I trust such an evasion will not suffice.

But, Sir, if gentlemen should still entertain doubts, whether it be or not a new office, they must allow, at least, that it is an extension of an old one; and, as such, the noble Lord is rendered incapable of being elected, and of sitting and voting in this house. The 27th section of the act of the 6th of Queen Anne, which I have just read to you, applies expressly to this very case; it declares, in order to prevent too great a number of commissioners from being appointed for the execution of any office, that no greater number of commissioners shall be appointed for the execution of any office than have been employed in the execution of such respective office before the first day of that Parliament. It is incumbent, therefore, on the noble Lord, or his friends, to prove, that before that Parliament, there existed more than two secretaries of state, which I contend never was the case, except during a single month of Edward the VIth's time; a precedent which, from what I have said of it, I trust will not have any weight.

The office of secretary of state for the colonies was first established in 1768, in favour of the Earl of Hillsborough; he was succeeded in 1772 by Lord Dartmouth; in 1775 the noble Lord over the way took that office. I have been informed, that a very respectable gentleman, now dead, who was afterwards chancellor of the exchequer, I mean Mr. Charles Townshend,

Townshend, had once a strong desire for this office; but, on enquiry, he believed it would disable him from a seat in this house, and he therefore dropped such intention. It has been reported, that a very honourable and able gentleman, since also dead, once agitated this question, with a view, like mine, to shew that the office disqualifies from a seat in this house. I had great personal respect for that honourable gentleman, whatever I might think of him as a minister; he has left this country a legacy, which alone will transmit his name to posterity with honour; I mean the act for trying controverted elections, and I have forgot his errors. If that honourable gentleman ever did agitate such a question, I am sure it was not in this house. In his time the office was filled by a peer of Parliament, and could not have been the object of Parliamentary disqualification. He must have gone alone on the power of the crown to establish such an office, a question entirely different from mine.

Perhaps it will be said, that the house, in issuing the writ for a new election, and by receiving the noble Lord again, after the acceptance of his present office, has decided the question in his favour. In the courts below, I have always understood, a precedent, adduced from a transaction passing *sub silentio*, without argument, without an hearing, has no weight. No man will contend that a transaction, hastily and inadvertently taken, when the question of law was not thought of, can give a right to a seat in this house, against an express act of Parliament. Such an idea is as new as it is ill-founded.

On the whole, Sir, I trust I have shewn that the noble Lord sits in this house against the letter and spirit of an act of Parliament, which ought to be strictly enforced in times like the present, when private distress and public difficulties present themselves too forcibly. Let us not forfeit the good opinion of our constituents, by tolerating the violation of an act intended to preserve this house from corruption and undue influence. They will grumble the more at the heavy burthens this ruinous and wicked war has brought upon them, when they think the members of this house share in the spoils, and fatten by the votes they give in support of it.

Before I make the motion I have in my hand, I must desire the clerk will read the 25th and 27th sections of the act of the 6th of Queen Anne. [The clerk read those sections, and also Lord George Germaine's commission for the office of secretary of state.] I now move you, Sir,

James II. immediately made his appearance on the opposite coasts, and meditated an invasion. The introduction of a Jacobite ministry might give birth to new offices, and new emoluments, the temptations of which, should secure a clear majority in either House of Parliament, to favour the restoration of the Stuarts, against the Hanover succession. The act is entitled, "An act for the security of her Majesty's person and government, and the succession of the crown in the Protestant line." It was a primary object of the act in question, to confine the patronage and influence of the crown within the bounds it then had. And the clear interpretation of the act is, "The members of the Houses of Parliament have already a sufficient share of loaves and fishes, and they shall possess no more." Now comes the question: whether the office of a third secretary of state, in addition to the two former secretaries, add to the number of placemen; and whether there is a new accession of court-patronage? Will any gentleman contend, that there is not new honour, new authority, new emolument, and new protection? Look at the new appointed salaries of the secretaries, clerks, &c. and consider that the noble Lord has, by virtue of this office, become chief minister for the civil war on the other side the Atlantic. As a commissioner for trade and plantations, he could certainly not have exercised the same power officially. But will it be maintained, that the noble Lord is still one of the commissioners for the board of plantations merely under another denomination? I have the noble Lord's own word in this house, that he is not more a lord of trade than the Archbishop of Canterbury, who "nominally [says the noble Lord] stands in the commission as well as myself;" [for his Grace of Lambeth is not named in the commission.] I presume he meant the Bishop of London; and if that prelate should be appointed to the noble Lord's office, I imagine it could not but be considered as a new and distinct post. However, if the noble Lord can shew that he is still at the head of the board of trade, I shall not be sorry for it; because I shall then know to whom I should apply upon those commercial concerns which must ere long call for the serious attention of the Parliament; and for which, it seems, no one member of administration holds himself peculiarly responsible. Let us now consider the office of secretary of state; and much to the purpose may be learnt from Lord Chancellor Clarendon, in his history of the civil wars of Charles the First. He states the two secretaries of state, in his

that he was prevented from renewing the battle with the enemy, because an inferior officer under his command did not obey his signal so to do, which was flying several hours. The inferior officer expressly allows the fact, yet, say some of the long-robed orators to the right of your chair, the fact is not known to the house, so as to establish thereon an application to the crown for an enquiry. The judgment of the court martial, now on your table, which competently decides, without appeal, upon the charges brought before them, pronounce those charges to be malicious and ill-founded; yet, say the same learned gentlemen, we cannot possibly proceed upon that adjudication, nor admit there was any malice in the case, in consequence of which to address the executive power on behalf of the people we represent, and remove a public servant, obnoxious to the whole kingdom, and dangerous to the state. However, these very courteous advocates can themselves proceed, in a most summary way, to rejudge the judges and their sentence; and without hearing the one, or pretending to understand the evidence which induced the other, condemn both. I say therefore, that, if a new world was found out for us, by the two ships now adventuring under Commodore Cook, and another court calendar made up of the places, containing as many departments as there are members of this house, I doubt not but some crown lawyer would hold it his duty to plead, that these offices were of ancient standing, some time since the creation of the globe, previously to the year 1705, and therefore excepted in the clause of the act of Queen Anne, which limits the general exclusion of placemen. I shall observe, that the occasion and subject of the act are, in my opinion, perfectly evident. Through the exorbitant revenues, and increasing power of the crown, corruption had made very alarming strides amidst these benches, and caused just apprehensions for the liberties of the subject, and maintenance of our free constitution. But the more immediate motive for the act I take to be this. The Whig administration of that æra testified, on many occasions, a suspicion (and the latter years of her Majesty's reign proved it not altogether groundless) lest Queen Anne should, before the close of her political career, wish to restore the unhappy family of Stuart, to which she was so near in blood, rather than elevate to the throne her remote relation of the house of Brunswick. The summer preceding the act of 1707 the Princess Sophia of Hanover had been naturalized, when the son of James

James II. immediately made his appearance on the opposite coasts, and meditated an invasion. The introduction of a Jacobite ministry might give birth to new offices, and new emoluments, the temptations of which, should secure a clear majority in either House of Parliament, to favour the restoration of the Stuarts, against the Hanover succession. The act is entitled, "An act for the security of her Majesty's person and government, and the succession of the crown in the Protestant line." It was a primary object of the act in question, to confine the patronage and influence of the crown within the bounds it then had. And the clear interpretation of the act is, "The members of the Houses of Parliament have already a sufficient share of loaves and fishes, and they shall possess no more." Now comes the question: whether the office of a third secretary of state, in addition to the two former secretaries, add to the number of placemen; and whether there is a new accession of court-patronage? Will any gentleman contend, that there is not new honour, new authority, new emolument, and new protection? Look at the new appointed salaries of the secretaries, clerks, &c. and consider that the noble Lord has, by virtue of this office, become chief minister for the civil war on the other side the Atlantic. As a commissioner for trade and plantations, he could certainly not have exercised the same power officially. But will it be maintained, that the noble Lord is still one of the commissioners for the board of plantations merely under another denomination? I have the noble Lord's own word in this house, that he is not more a lord of trade than the Archbishop of Canterbury, who "nominally [says the noble Lord] stands in the commission as well as myself;" [for his Grace of Lambeth is not named in the commission.] I presume he meant the Bishop of London; and if that prelate should be appointed to the noble Lord's office, I imagine it could not but be considered as a new and distinct post. However, if the noble Lord can shew that he is still at the head of the board of trade, I shall not be sorry for it; because I shall then know to whom I should apply upon those commercial concerns which must ere long call for the serious attention of the Parliament; and for which, it seems, no one member of administration holds himself peculiarly responsible. Let us now consider the office of secretary of state; and much to the purpose may be learnt from Lord Chancellor Clarendon, in his history of the civil wars of Charles the First. He states the two secretaries of state, in his

his time, to be essentially different as to character, dignity, and duties of office, from what they were in earlier days, before the reign of Queen Elizabeth; so that the case cited by the member who made the motion, from the memoirs of Sir John Check, cannot possibly apply. The statute of precedency shews, that there was but one principal secretary to the king, at the end of Henry the Eighth's reign. At whose accession, Fox, bishop of Winchester, and lord privy seal, had been appointed to that high and important post; and a very ingenious author in that age says, that the accession of wealth which came to the king, on the decease of his father, as well as foreign correspondencies, and many literary controversies about religion, made it a useful and necessary office. Before the appointment of this ecclesiastic, there was no officer of rank about the court in a similar station. There were secretaries indeed, and clerks to the several boards of state, particularly to the King's council. I say, therefore, again, that, if we are told from over the way [as the honourable member surmises] that in the reign of Edward the Sixth, upwards of two centuries ago, there were three or four secretaries of state, I deny the fact; or that a single precedent in point can be produced before 1705, when the operation of the act commences: but even suppose that, at some obsolete period, for a special purpose, or from neglect to call in the old commission, directly upon issuing the new one, there might have been three officers somewhat consonant to our modern secretaries of state; I am confident that plea would never be brought forward, were the great oracle for the law, of the opposite form, here in his place [the Attorney General]; for, if I much mistake not, I have heard him positively say, that even acts of Parliament may have a prescriptive disusance, by which they are virtually cancelled. At the accession of Henry the Seventh, that king, for a certain space of time, put the office of lord high steward of England into commission, and appointed nine persons, many of whom were commoners, to execute its service, and enjoy the fees; now, if the ministers of these days were to advise their sovereign to do the same, and we had nine commissioners among us for the office of lord high steward, could any member of Parliament, conscientiously or consistently with his duty to the public, vote that such commissioners were meant to be excepted out of the act of Queen Anne, as holding appointments of ancient and established existence? If such evasions and quibbles hold good, how

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can the act possibly take the effect intended, which was to stop the further influence of the crown, and by new offices or emoluments out of the public purse, seduce the delegates of the people from their integrity and independence? I understand the noble Lord is soon to be called up, by his Majesty's gracious command, to the House of Lords; therefore, the part I now take cannot be deemed a personal attack upon him; if we vote him out of our company, it may probably expedite his patent of peerage. Surely, Sir, the numerous majority of Monday last on the side of government, respecting the good management of the navy, and the vote of the preceding week, which declared it judicious and necessary to send twenty sail of the line to a station off Brest, when there were from twenty-seven to thirty-two of the line at that port, and not another man of war at home equipped for battle; no body of troops in readiness to defend us from invasion; I say these majorities prove that there are persons enow among us, subservient to the nod of a minister, and court places enow for every good end, without infringing the statute of 1707. Let us draw the line where the positive law of the land has drawn it, and not wrest the letter of the law to an interpretation diametrically the reverse from its legislative spirit. The honourable member's motion must then succeed. It is not that I affect a disesteem for placemen in general; to serve our country in a post of trust and industry, I hold to be highly honourable; but I would have the labourer worthy of his hire; attached to government so long as he can remain attached consistently with his obligation to his fellow citizens of the community at large; but I by no means approve of those offices which increase in value, just in proportion to the accumulating distresses of our constituents, and weight of taxes. Many holders of such offices are now in my eye; when the interests of the executive power are at variance with the legislature, (as is too visibly the case at present,) a reform of ministers must ere long correct the evil, and those only can be called honest or loyal who endeavour to reconcile the will of the King their master with the wishes of his subjects. It indeed becomes us to be doubly vigilant, at this crisis, over the rights of those who sent us hither, because we know, and daily feel, the inordinate influence of bad men. But I foresee, looking around me, that we shall have but a small number go forth in behalf of the motion. Were I alone on this question, till I hear more cogent arguments in its favour than

than I am yet aware of, I would on no account yield up the point without a division. There are many gentlemen of great abilities, with whom I usually have the satisfaction to agree in opinion, who are absent on this day; and I wish the conduct of those present, in saving so valuable an office as the third secretaryship, may not have a tendency to sanction a very bitter remark, I have often heard without doors, upon the outs as well as the inns; which is, that both parties agree in making the public spoil as large as possible. The stake of places and salaries they both hold sacred, and on no account to be diminished, though they wrangle and fight about the sharing of it; if, however, such idea should be impressed from the early part of this day's business, I shall still hope, that the zeal of the opposition, upon the contractors bill, which is to come on next, will preserve their character for disinterestedness and sincerity.

Lord *George Germaine* said, after the handsome manner in which the honourable gentleman had introduced the motion, he should not take up much time of the house. When the post was offered to him, he took the best advice, and was informed, it did not disqualify him from holding a seat in that house; if he had so considered it, he never would have accepted it. It was no new office; his seat had been vacated, and he had been re-chosen without any objection; he was secretary of state at large, and not connected with the board of trade, though he sometimes attends as first Lord.

Mr. *De Grey*, (under secretary of state in Lord George's office) next spoke. He said, if the appointment was not new, the noble Lord was then eligible to a seat in the House of Commons; he had many precedents since Queen Anne's time, to shew there had been six different appointments, of three, and once four secretaries of state. He had also the account of the appointment of a third secretary in the time of Edward the Sixth, as mentioned by the honourable gentleman that made the motion, of which he would say nothing. In the year 1708-9 (a time, he confessed, since the act of the 6th of Queen Anne) more business arising, the Queen declared in council, that she thought it fit to create a third secretary of state. The patent was the same as the noble Lord's; it was given to a peer. There was an instance where there were four secretaries of state, one of whom was a commoner, that was in 1723; there were the Duke of Roxburgh and two others; one of whom going with the King to Hanover, Sir Robert Walpole was appointed

pointed fourth secretary of state. A new writ issued on the 4th of May 1723, he was re-elected, and his seat was never questioned. In 1730, it was not given in as a new place, when the account of such was called for. Lord George had been re-elected, and no objections taken; there had been therefore two determinations of the house: besides, the office of paymaster of the forces had been divided, and no objection taken; other offices had also been divided, and, if not permitted to be occupied by a commoner, it would be transferred to the House of Peers. The late Mr. Grenville had enquired, and had given up his objections; besides, it could not be new. Lord George sometimes, in the absence of other secretaries, had introduced ambassadors.

Sir *George Yonge* said a few words, expressing his doubts whether it was not a new place; on being told the commission ran in the ancient form, he expressed himself satisfied.

Mr. *De Grey* then moved, to leave out the words of the motion, "in addition to the two ancient offices of the southern and northern departments," in which he was seconded by Lord North.

Mr. *Pulteney* then rose, and said, he was not in the house when the honourable gentleman opened his motion; but he thought no stress should be laid on any enquiries of Mr. Grenville, for it was impossible he should think of any question like the present. Lord Hillsborough, who was first appointed secretary of state for the colonies, held the office when Mr. Grenville died; and therefore, if he enquired at all, it must have been only into the power the king had of establishing such an officer; in which he was clearly of opinion, the King's right to make such an appointment was clear. But the question now is, whether a man, holding that office, can sit in this house? I think he cannot; because, though it is not a new office, yet it falls, in my opinion, under the clause which prevents any increase of old departments; a blot is no blot till it is hit. The cases the honourable gentleman has brought, of there being three and four secretaries of state at the same time, are, by his own confession, cases since the 6th of Queen Anne, and consequently do not apply.

Lord *North* said, he thought the noble Lord's seat was defensible, as the law now stands. The clause the honourable gentleman dwells on, talks of a commissioner for executing any office, and the clause prevents any increase in the number

ber of any one commission. Here all the secretaries had separate commissions, and separate salaries. Indeed, if the crown should wantonly and unnecessarily increase the number, and to a great extent, it would not be borne.

Sir *Joseph Mawbey* then rose to reply, but a clamour being made for the question, and Sir Joseph persisting in his right again to speak, the Speaker said, it was usual to indulge with a reply, those who had introduced a motion to the house.

Mr. *Rigby* then called to order, and said, the honourable baronet had a right to speak, for since he before spoke, a motion had been made, and he had not spoke to that.

Sir *Joseph Mawbey* then said, that before he came that day into the house, he believed there must have been discovered some precedents which had escaped him, from the confident manner in which his motion had been reported to be ill-founded; his astonishment was now great, on finding that the arguments against it were such as only justified one act of illegality by another; because, since the 6th of Queen Anne, Sir Robert Walpole had sat illegally, therefore, the noble Lord was so to sit. The house had not determined either had a right to their seats; the objections had never occurred. With respect to the office of pay-master, he contended it was illegally split, if both the possessors had seats in that house; it was illegal that a third vice-treasurer of Ireland sat in the House of Commons. The honourable gentleman below him, the pay-master of the forces, had a right to lie alone in that department, and if he should be quartered on him, he would move he should have a bed to himself.—Let us keep this house chaste, and corruption in the other house cannot do much harm. The motion for leaving out the words was improper, because the words in the motion recited the real fact; however, he had discharged his own mind; he still thought his motion proper, and would, if he stood alone, divide the house.

The division then took place, when there appeared only one person [besides the two tellers, Sir Joseph Mawbey, and the honourable Temple Luttrell] for the motion, to 245 against it; that person was the honourable James Luttrell.

Order of the day for going into a committee on the bill for excluding contractors from sitting in the House of Commons.

Mr. *Onslow* was against the Speaker's leaving the chair. He did not doubt the honourable gentleman, who brought in the

the bill meant it for the good of his country; but, in his opinion, it would produce worse evils than those it intended to remedy. It would force the minister to put up all contracts to public auction; disappointments, frauds and failures would be the consequence. And in Parliament, instead of respectable merchants, instead of the fair contractors with government, you would have their substitutes, and the very name of proxies be detested. Besides, he thought it an encroachment on the privileges of the electors, that the house should determine they should not chuse merchants or men in trade to represent them, because possibly they might sell their merchandize to government. This would be an alarming innovation.

Sir *J. Goodricke* observed, that the bill proposed an innovation in the constitution, and narrowed the elective powers of the people; that therefore it ought to be supported on very clear and solid grounds; that no such grounds had been alledged; that the principle of the bill went to the exclusion of all persons in lucrative employments, and of all officers in the army and navy; and that no arguments had been alledged; no evidence adduced for the excluding contractors from the House of Commons, more than any of the above persons. He said, that in regard to the precluding apprehended governmental influence from that house, a line was drawn by law; that it was a judicious and a constitutional line, not to be departed from without very good and substantial reasons, which had not as yet been produced. He observed further, that the provisions of the bill were so vague and indetermined, as to render it quite nugatory; that the unavoidable indefinite nature and circumstances of contracts, and of what is called public bidding, not in the least restrained by this bill, would, after its passing into a law, still allow corrupting ministers to have as many effectual contractors in the House of Commons as they have at present, and probably with more detriment to the public interests. He endeavoured to shew, that contracts could not by law be insured to the lowest bidder, without imminent prejudice to the public service; and that, if this bill really had effect, the mercantile interest would be improperly discouraged, by this bill, from a place and influence in the House of Commons, because their seat would interfere with the pursuit of an honourable and profitable branch of their business; to wit, the acceptance of contracts offered to them by government.

Sir

Sir *William Wake* thanked the framer of the bill for his steady perseverance in so good a cause. He said, there were merchants enow out of the house, and the bill did not preclude the ministry from contracting with them; but he could not help being of opinion, that the temptation of a profitable contract of 20 or 30,000l. was too much, and might influence men to vote contrary to their real sentiments and to the interest of their country.

Sir *Thomas Frankland* said, it was well known, that profit and loss was the merchant's God and devil; and if gain had an influence out of the house with men in trade, why not within it? He told a droll story of a man addressing a letter to him. He thought he was mistaken; but upon seeing him, he said, No, Sir, I find you have a great parliamentary interest, and I wish you would get me into Parliament. And pray, said Sir Thomas, what, are you a corn-factor? And I suppose when in Parliament you would get a good contract, I should be obliged to you, Sir. He told him he would have nothing to do with him; and afterwards he went down into Yorkshire to oppose some of the Yorkshire members, and for this he got two valuable contracts.

Mr. *James Luttrell* said, he hoped he should not be single in a division upon this business, as he had been upon the last; but he should never be ashamed of standing alone in a good cause. For his own part, he saw a dangerous ministerial influence arising from contractors being members of Parliament, and thought it strictly constitutional to oppose it. He considered the post of secretary of state for the colonies at this time, as no other than a contract of emoluments and high honours, destructive of the independency of Parliament. He considered them all as pernicious to the very foundation and existence of the constitution, and he had seen the effects of their having seats in that house. Would that man, says he, who has a contract for cartouch-boxes vote for the conclusion of the war; or he who supplies the army with cheese and sourcroute? It could not be expected that those who lived, who fed on the continuance of the war, would vote for its conclusion.

Sir *George Wombwell* objected to this conclusion; said it might as well be declared, that officers whose road to preferment and honour lay in the field of war, would vote for peace. He spoke of the danger of little men buying the contracts, and the misfortunes that would arise from adventurers executing the business badly.

Mr. *Fox* rose chiefly to observe on Sir George Wombwell's remark, that it was a personal attack on those who now hold contracts. For his part, he did not see it in that light; but if the gentlemen in that situation present considered it as such, they should have retired, as Lord George Germaine had done on the former question respecting him.

He maintained, that if the new-created office was not within the spirit of the act of Queen Anne, the contractors were; for persons holding great emoluments from government were within the clause.

The parliamentary effect of contracting was two-fold, and both the action and the re-action tended to destroy the independence of the house. He then stated the mutual obligation between the contractors and the minister. The minister, in the first place, said to the contractor, "I give you a good contract, on condition that you give me a good vote;" and in the second place, the contractor re-acts upon the minister, "I have given you a good vote, give me a good contract; I voted for you the other night, in direct contradiction to my senses; I voted, that we had forty-two ships ready for sea, when we had but six; and, I voted that the French fleet did not consist of thirty-two ships, when Admiral Keppel had but twenty; though both the facts lay upon the table. I have voted all this to do you service, and I expect you will not hesitate to give me a good thing; therefore, you must not quarrel with me for two-pence a gallon on rum, or a farthing on a loaf of bread."

And says the minister to another, "You know I gave you an advantageous contract, worth to you 20,000l. therefore, I must have a sure vote in you." Here is the worst of all ties, a double influence, a reciprocity, which this bill is intended to remedy. But perhaps the insignificant advantage of seventy-five per cent. is nothing in the consideration of a huddling treasury-board, who have currency and sterling always at their elbow.

The house divided, whether the speaker should leave the chair; for it 124, against it 165.

Lord *North* then moved to put off the further consideration of the bill, to that day four months; which passed without a division.

March 12.

Mr. *Ord* reported the resolutions which the committee had come to, to the house; which he read in his place, and afterwards

afterwards delivered in at the table, where the same were read, and are as followeth, viz.

Resolved, That it is the opinion of this committee, that, towards raising the supply granted to his Majesty, an additional duty or charge of five pounds *per centum* be laid upon the produce and amount of the several duties and revenues under the management of the respective commissioners of excise in Great Britain, (except on the produce of the duty on beer, soap, tallow candles and hides;) the said additional duty of five pounds *per centum* to be charged, collected, paid, and drawn back, under the same rules and regulations, and in the same manner and form, as the present duties of excise are now charged, collected, paid, and drawn back *.

That an additional duty or impost of five pounds *per centum* be laid upon the produce and amount of the several subsidies, imposts, and other duties, now due and payable to his Majesty, and collected under the management of the respective commissioners of the customs in Great Britain; the said additional duty to be charged and paid upon the said subsidies, imposts, and other duties, after the usual discounts and other allowances have been made and deducted therefrom, and to be repaid or drawn back under the same rules and regulations, and in the same manner and form as the present duties are now charged, collected, paid, and drawn back.

That every post-master, inn-keeper, or other person in Great Britain, who shall let to hire any saddle horse, or horse for draught, for the purpose of travelling post by the mile, or from stage to stage, shall pay annually the sum of five shillings for a licence for that purpose.

That for and in respect of every saddle-horse, hired by the mile or stage, to be used in travelling post in Great Britain, there be charged a duty of one penny for every mile such horse shall travel post; such duty to be paid by the person or persons by whom such horse shall be so hired or used.

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* This resolution was re-committed, and, on the 18th of March, malt was added to the exception, in order to make way for a particular resolution on malt; which was, that a duty of fifteen *per centum* should be laid upon the produce and amount of the several duties upon malt. This resolution was made on the 16th without any debate.

That for and in respect of every pair of horses, hired by the mile or stage, for drawing of a carriage in travelling post, there be charged a duty of two pence for every mile such pair of horses shall travel post; such duty to be paid by the person or persons by whom every such pair of horses shall be so hired or used.

That every person who shall keep any four-wheeled chaise, or other machine, commonly called a diligence, or post-coach, or by what name soever such carriages now are or hereafter shall be called or known, for the purpose of conveying any number of passengers, not exceeding four, for hire, to and from stage to stage, or from place to place, shall pay annually the sum of five shillings for a licence for that purpose.

That every four-wheeled chaise, or other machine, commonly called a diligence, or post-coach, or by what name soever such carriages are now or hereafter shall be called or known, for the purpose of conveying a number of passengers, not exceeding four, for hire, to and from stage to stage, or from place to place, shall be charged with a duty of one half-penny per mile such carriage shall travel, to be paid by the owner thereof.

That the said respective duties be under the management and direction of the commissioners of stamps.

That every person who shall keep any office or place for buying, selling, insuring, registering, disposing, or otherwise dealing in, any tickets or chances, or parts thereof, or on the numbers of any tickets in any lottery whatsoever, or shall, by writing or printing, publish the setting up or using such office or place, shall first take out a licence for that purpose.

That there shall be paid the sum of fifty pounds for every such licence.

And, That the monies to be raised by the said duties shall be applied towards the defraying the expences attending the commission to be made forth for managing such lottery.

Mr. *Hussey* made some objections to the terms of the loan, as being very extravagant, and above the current value of money, thereby increasing the interest to be paid to the lenders, and the taxes to be imposed on the public.

Mr. *Jackson* said, that the terms were not quite six per cent. in perpetuity.

Mr. *Fox*, in a short speech, considered it was a very bad bargain for the public.

Mr.

Mr. *D. Hartley.* So many sound and unanswerable arguments have been offered by the gentlemen on this side of the house, upon the general state of public credit, and more especially upon the terms of the present year's loan, that I can have but little to add upon that head. The noble Lord at the head of the treasury is reduced to this dilemma, either to confess that the terms, which he has given to the subscribers for this year's loan, are exorbitant and unjustifiable, or, if he contends that the present extortionous rate of interest, which he allows to the subscribers, is become, under his management of public affairs, the national rate of interest for money, he gives, by that public confession, a fatal blow to public credit, and thereby declares that the national resources are at the last gasp. It is within a few years, I might say within a few months, that the state of public credit was sufficient to support parliamentary loans for the public use at three and an half *per cent. per annum.* The loan of this present year is at the rate of between six and seven *per cent. per annum.* The extravagant difference of the national rate of interest at periods respectively so near to each other, forms a financial paradox, totally novel and inexplicable, according to any of the principles upon which it has been defended by the noble Lord. The incongruity, however, is apparent upon the consideration of the manner of making this loan, and of the constituent parts of it. If the noble Lord commits himself to the mercy of money-lenders, without any financial exertions, or prudential provisions, on his own part, for the defence of public credit which is committed to his care, what can he expect but that money-jobbers should impose their own unrestrained terms upon him? Can it be believed, that the national rate of interest should rise in a few months from three and a half *per cent.* to five *per cent?* This is impossible; nor do we find that money upon private securities has risen in any such enormous proportion; but the noble Lord suffers himself to be imposed upon, and dictated to by the money-jobbers, who have no view whatsoever in their operations, but to procure a premium to the loan of the year, without any consideration of the rate of interest upon the loan itself. Whether that rate of interest be four, or five, or six *per cent.* it is equal to them if they can but get an exorbitant premium, for transmitting the bargain through their hands. When any one bargain is offered, the premium hangs over the bargain itself, while negotiating, and brings

down the stocks to a lower level; then the bargain takes a new position, or starting place from that reduced level, and still the noble Lord is bound to produce an exorbitant superadded premium, to a bargain already blown upon, and depreciated under the imbecility of his negociation; thus adding extortion to premium, and premium to extortion, at the mercy of merciless Jews and money-jobbers.

If the noble Lord would but exert the faculties, which his situation supplies him with, to do justice to the public in driving their bargains, he might, upon the funds mortgaged for this single year, have raised some millions more to the public supply, as the subscription money for that annuity, which he has mortgaged to the public creditors in the loan of this year. He has loaded the public this year with an annuity of 472,000l. *per annum*, which, if he had had the wisdom to have protected and supported public credit, instead of leaving it adrift at the mercy of the money-lenders, might have produced more than nine-millions to the public supply, instead only of seven actually raised. This saving might have been made, even allowing a rise of the public interest of money from three and a half *per cent.* (which was the rate not long since,) to four and a half *per cent.* for the loan of the present year, which it needed not to have exceeded, under wise and prudent conduct of able and vigilant ministers. Above two millions of money might thus have been produced to the public, either for their current expences, or in diminution and abatement of the present enormous outstanding debt, if ministers would have exerted their vigorous powers in due time for the support of public credit. This allowance of four and a half *per cent.* as the national rate of interest for this year's loan, (that is to say, allowing a rise of interest upon the public funds, within a few months, from three and a half to four and a half *per cent.*) is full and adequate to any supposable necessary rise of interest in the case, if ministers had given their attention and exertions to the support of public credit. But even at five *per cent.* which is the extreme case, and which, at the rate of the three *per cent.* stocks at the time of negotiating the present year's loan, was above the current rate of national interest, the annuity with which the public is charged this year, might have produced eight millions four hundred thousand pounds, instead of only seven millions now bargained for. So much for the waste and neglect of the public resources for the present year 1779.

The

The same thing likewise happened last year, viz. in 1778. Six millions only were borrowed upon the fund of that year, which, according to any reasonable rate of interest for that year, if ministers would have exerted themselves strenuously for the support of public credit, would have produced to the supplies of that year above seven millions. The occasion of the waste of the public supplies was the same in both these cases. In the first place, the total neglect of supporting public credit on the part of ministers; and secondly, the ill-judged construction of the terms of the loans themselves. The public granted the short annuities as they are called, viz. those for the periods of thirty and twenty-nine years, at the rate of twelve years purchase in 1778, and in the present year at eleven and a half year's purchase, although they were intrinsically worth four or five years purchase more. This was so much mere waste, without any possible excuse. These bargains were not even to the gain of the money-jobbers themselves, as it was not in their power to sell them out in detail in any degree, according to their intrinsic value, from their novelty, and from the general ignorance abroad of their real value. This was throwing away bargains of great intrinsic value, at the expence of the public, upon ignorant purchasers, who from that ignorance of the real intrinsic value, could not be prevailed upon to give you any greater purchase-money for such bargains than they would under twenty other shapes have given for a bargain less expensive and onerous to the public by twenty or thirty *per cent.* This is a specimen of the manner in which the public concerns of this kingdom are conducted.

But, Sir, the noble Lord talks much of his resources, and indeed they had need to be large, if they are to be thus lavishly squandered away. With any common degree of forecast and arrangement of measures, the noble Lord might have saved a perpetual rent charge upon this country of 150,000l. a year, for ever, upon the loan of this year, and another perpetual charge might have been saved the last year, of half as much more. These savings only (to speak of no others) might have been sufficient to have provided for several millions more, which are now hanging upon the public as outstanding debts. The amount of all the mortgaged funds and taxes, which the noble Lord has imposed upon this country for the support of a cursed American war, in four years, including the present year, is not less than 1,100,000l. *per ann*

and there still remains between fifteen and twenty millions of outstanding debt to provide for.

	£.
Navy debt	5,200,000
Exchequer bills	2,000,000
Vote of credit	1,000,000
Negotiable paper proposed for this year	1,300,000
Arrear of the sinking fund, and charges anticipated upon it, for the loan of this year, and the deficiencies of the two last	1,500,000
Besides all these, the general arrears of war cannot be estimated at less than 10,000,000l. or nearly, especially as a Spanish war seems not very distant	10,000,000
Total	21,000,000

As the last article in this account may possibly be thought questionable, I make a great deduction, when I state the outstanding debt as between fifteen and twenty millions, suppose eighteen millions at a medium. In this calculation, I go by the experience of the last war, since which time the scale of public expence and extravagance is unmeasurably enlarged.

I have so often stated to this house the expences of the American war from time to time, that it is needless to repeat them in detail. I will, therefore, only state in short, that if they were last year between thirty and forty millions, as I then explained them to be, they cannot now be over-stated at the full sum of forty millions and upwards. But is this the whole of the account of the expence and loss imputable to this accursed war? No, Sir, by no means. Very far short. That account, when laid before you, will strike you with terror. What think you, Sir, of a destruction and annihilation of another forty millions of capital, to the single share of the proprietors in the national funds? The public stocks have been reduced from eighty-eight to sixty *per cent.* a fall of near thirty *per cent.* upon the whole capital of the national funds, which, upon a total of near 150 millions, is not less than forty millions annihilated. So much for the lot of taxation distinctly and separately imposed upon the creditors in the public funds, over and above their respective share of general taxes upon articles of necessity and of daily consumption. Let us next go to the landholder, and make an estimate of his separate lot of taxation, over and above his proportion in the common burthens annually imposed. Is

no

no part of his riches and property annihilated and destroyed? Here, Sir, is the heaviest blow of all to the foundation of national riches. What is, or rather I should say, what was, a very few years ago, the national rental of lands? I think I should not be justified to state this rental at less than thirty millions a year. What is the defalcation upon the capital value of this rental. Those who are concerned in landed property, will tell you that it is not less than five years purchase, viz. from thirty years purchase and upwards, to twenty-five years purchase. From this deduction of plain and well-known facts, set down a loss of property to the landholders of Great Britain of 150 millions, or perhaps still more; for in the present gloom of public affairs, lands are still falling in years purchase from day to day. Add to all this, what is now actually upon the heels of the landed man, viz. the decline of the very rent of the land itself, and you will double that loss to him. You will scarcely leave to him one half of his property. Let ministers put these things together, and then take a view of their handiwork in this fatal American war, in one total.

	£.
Expences of the American war, as by parliamentary supplies and public documents, more than	40,000,000
Destruction of capital to the proprietors of the public funds	40,000,000
Diminution of the value of the rents of Great Britain	150,000,000
	230,000,000

If this should be thought to be a speculative account, my answer is, double this account, and, I fear, you would be nearer to the truth.

But the noble Lord at the head of the treasury still boasts of his resources: I confess to you, Sir, I do not see from whence he will draw them, whilst he continues so obstinately driving this country to ruin. If you were to ask me where I would recommend you for resources, my answer would be very short and explicit, and far from desponding. Change your public measures, and the tide of your own inherent resources would flow back again upon you up to the lips. Peace restored with cordiality and confidence to America, would fill our cup of plenty to the very brim. Your lands would once more recover their rent and value. Stock-holders would

would recover and realize their now-diminished capitals. The riches of national industry, by manufactures and commerce, would acquire permanence and stability; and all the public resources, for great and necessary national exertions, would ride in the deep and unfathomed bosom of plenty, riches, and power.

When will ministers relent? When will their obstinacy abate? Will no consideration either of the safety of their country, or even of personal security to themselves, induce them to adopt wise counsels? Look to the state of foreign powers. Have we an ally in Europe? or rather is not every power in Europe conspiring our downfall? We have been amused from time to time with ministerial declarations, in King's speeches, and in parliamentary debates, &c. first, that France would never support the Americans in their resistance to this country, and that nothing could ever prevail upon that court to acknowledge the independence of America. This was our language and expectation last year: but France, as we all know, has long ago taken the most decisive part against us. Holland is at this moment adverse to us in her conduct, and hostile in her memorials and declarations; and, what is still a plainer language, in her military preparations, for maintaining, what they express in gentle terms, neutrality; but which means neither more nor less than this: I will trade where I please, touch me if you dare. Sweden is connected with France; and Russia is at best a doubtful friend (even if at all a friend) to us. But it is Spain which holds the balance of peace and war in her hands. There is the rub in the way between ministers and the object of their resentful pursuit, the subjugation and dominion of America. Spain is the thorn in their side: I tell it them again, Spain is the thorn in their side.

Spain is under arms, and ministers have long known it. I have now in my hands the state of the Spanish fleet and armaments for a year and a half past. It is above a year since they have begun publickly to arm in the face of Europe. We all know these things very well. If I were required to give proofs of what I say, I can bring proof to your bar, from those who have seen and who have been on board of the Spanish armaments. Such conduct, and such armaments, amount to a positive declaration of war on the part of Spain, only reserving to themselves the precise period when and where to strike the first blow. Let not ministers deceive this house or their

their country: let them speak out what we are to expect. I apply to the country gentlemen not to suffer themselves to be amused any longer. No man is unapprised of the present critical state of our national concerns. No man is ignorant of the family compact, as well as of the ambition of the house of Bourbon. If any man can doubt of the armaments of Spain, I offer the positive proofs. But no one does doubt of them. Yet ministers would prevail with us to acquiesce under the shallow pretexts, that forty sail of the line of Spanish ships, ready for sea, are only intended to preserve a neutrality. They would have us to believe these idle tales, and to go blindfold on; but they dare not publickly assert them. I will put that to the test. Let the minister stand up in his place in Parliament, and declare boldly like a man, Spain shall not have Gibraltar: let him say, Spain shall not have Jamaica: let him give pledges positive (if he has any to give) that they shall not support the hostilities of France: let him give the proofs, and then this country may know what they have to depend upon. But if he shelters himself in a fallacious silence; if he refuses such pledges and such proofs, then I apply this uncontrovertible inference to the mistaken and misled supporters of the American war in this house and out of it; Spain is between you and America.

Sir, you are so well apprized of my dispositions and views upon the subject of this fatal American war, that you will not wonder at my being so earnest to point out to you all the dangers of our situation both at home and abroad, if ministers are suffered to persist in it. Is there a man so extravagant as to think it practicable for this country to succeed in the subjugation of America, with the House of Bourbon in actual hostility against us, and every other power in Europe, secretly wishing and conspiring to supplant us? But you may say, how shall we make peace, and upon what foundation? The foundation is plain and obvious. Lay your foundation in a total change of all your public conduct and measures. Withdraw your hostile armaments from America, and open a rational and explicit treaty upon grounds of sincerity and confidence; declare by public and national authority whatever terms the wisdom and prudence of Parliament may think proper to propose, but let them be fixed and certain, and not liable to a subsequent refusal by the ministers of the war.

It has been said, what larger offers can we make than those which were refused last year? I say, Sir, that no offers from this country were refused by America last year. Your commissioners were not empowered by the acts of the last year to make any explicit offers whatsoever. An insidious right of refusal to any terms which might have been concerted by negotiation, was what the British ministry, who are the only enemies which America has in this country, had reserved to themselves. The offer made by the commissioners to America was neither more nor less than this: Lay down your arms in your several provinces; break your faith with those allies to whom you have been fatally driven in self-defence, by the relentless persecution of a British ministry; and when thus disarmed at home, and unprotected from abroad, commit yourselves unconditionally to the mercy of those very ministers who have ever shewn themselves your bitterest and most implacable enemies.

Sir, I shall not now add any more upon any specific terms of negotiation for peace; I shall content myself with preparing the ground, by suggesting those considerations of prudence and justice which ought to lead this country to peace. I shall take it for granted, that this session will not break up without some distinct specific parliamentary grounds of negotiation for peace between this country and America. I shall think ministers criminal in the highest degree if they omit it. But in any case the session shall not pass without some propositions on that subject being offered to your consideration, even if I should be reduced to the necessity of offering the simple thoughts of a private individual. If I should be reduced to that necessity, I should do it with the greatest deference. I offer the precedence to gentlemen of greater abilities than myself, but for sincerity and good will I give place to none.

The first resolution being then read, That five per cent. be laid on the produce of the excise; an objection was made to this new excise on malt, as the malt tax is an annual fund, therefore it was thought it could not be given as an appropriation to pay the interest of perpetual annuities.

It was agreed to recommit it.

The resolutions for the other taxes passed without opposition, and bills were ordered in accordingly.

Adjourned to the 15th.

March

March 15.

The Lord Advocate for Scotland having taken his seat for the first time this session, Mr. *Wilkes* said, I am glad to see in his place the first law officer for the crown of Scotland. I have a real respect for his very superior abilities, and am always charmed with his manly eloquence. I waited with impatience for his arrival to call upon him to make good his promise last year to the house, to bring in a bill this session for the relief of the Roman Catholics in the northern parts of this island. I remember his observation the last session, that the penal laws of that part of the united kingdom against the Roman Catholics had been enacted previous to the Union, and were of so complicated a nature, that it would require a good deal of time fully to investigate them, in order to frame a bill for their total or partial repeal. He therefore declared it adviseable to defer the relief of the Scottish Roman Catholics till the next session of Parliament, when he pledged himself to the house that he would have a bill ready for that purpose. The idea was approved by both sides of the house, and warmly recommended to the honourable gentleman's peculiar attention. So much of the present session is already elapsed, that I think it my duty on his first appearance to remind him of that parliamentary engagement, which I doubt not he is ready immediately to fulfil.

Mr. *Dundas* (Lord Advocate) replied, that he had found such tumults and insurrections in all parts of Scotland, and so violent an opposition to the measure, that in the counties where he was most interested, he had done every thing in his power to reconcile the people to it; but finding it in vain, he had consulted the principal Roman Catholics, who had given it as their opinion, that it would be much better to decline all attempts to procure an act in their favour, till time and cool persuasion should remove the unhappy prejudices of the Protestants of that country against them.

Mr. *Wilkes*. I think that it is now apparent that the honour and independency of this house have been meanly sacrificed by the friends of administration to the seditious populace in Scotland. An example of a fatal nature has been given by the mobs of Edinburgh and Glasgow to the mob of London to rise, and endeavour by similar outrages to prevent any matter of moment displeasing to them from ever being brought into Parliament. The magistrates of Edinburgh appear to have been apprized of the intended riot some days before, and at least connived at the tumult. If the accounts published there

there are to be credited, they actually aided and abetted the rioters. They saw, with pleasure, the various cruelties exercised by a lawless banditti. They exerted their authority only against those who endeavoured to quell the riot. By a proclamation in their name, four days after the riot, they seem to plead guilty; for they declare, "after this public assurance the lord provost and magistrates will take the most vigorous measures for repressing any tumultuous or riotous meeting of the populace, which may hereafter arise; being satisfied that any future disorders will proceed only from the wicked views of bad and designing men;" a very handsome, although indirect compliment to the good views of the former well meaning rioters. A solemn promise had been made in the name of government to the mob by the lord justice clerk, that no bill in favour of the Scottish Roman Catholics should be brought into the House of Commons this session. Is it possible, Sir, to imagine a more ignominious surrender of the dignity of Parliament, or a more perfect annihilation of our legislative rights? A British Parliament is controlled in their proceedings by an Edinburgh mob, and we are forbid even beginning an act of justice or humanity by an ignorant and insolent mob, by a mad and lawless rabble. The public faith, pledged in the most solemn manner by government to the Roman Catholics of Scotland, is grossly violated. The Attorney General was proceeding capitally against some rioters, who, in the general joy for the triumph of virtue and bravery over malice and persecution, had broken windows in this metropolis; yet the mob of Edinburgh, who had pulled down and set fire to houses, and totally ruined some innocent individuals, are unnoticed by the law officers of the crown. Instead of punishment, they meet with applause; they obtain the object for which they had riotously assembled. England, Sir, has relaxed her penal laws against the Roman Catholics: Ireland has relaxed her penal laws; but Scotland obstinately refuses, although her penal laws are much more barbarous than those of the other two kingdoms. It becomes then the wisdom and justice of Parliament, in this crisis, to act with spirit. The conduct of administration appears to me highly criminal, and the legislature ought therefore to interfere. Every government owes protection to its subjects, or forfeits their allegiance. When I am informed that the peaceable and loyal Roman Catholics of Scotland find no security, even in the capital, for their lives and property, I do not hesitate to assert, that there is a dissolution of all government.

Mr.

Mr. *Dunning* having given notice that he had a motion to make respecting the conduct and power of the board of admiralty, in granting courts-martial, and some papers which he had moved for [See Captain Crookshanks's letter to Mr. Corbett, and the latter's answer in page 145 and 146] being laid upon the table; he now rose, and began with stating a complaint against the crown officers respecting the papers moved for, and on which his motion was to be grounded. He observed, that many weeks since a motion had been made, and met the approbation of the house, for copies of all the proceedings upon application for courts-martial, or for enquiries respecting them which had been made to the admiralty-board since the passing of the act of the 22d of the late King; that the persons whose official duty and personal respect for the orders of that house, should have suggested a very different line of conduct, had refused to give the papers desired, or; which amounted to pretty much the same thing, had pleaded an utter inability to comply with the order of the house, under various pretexts and stale excuses; that at length, upon loose information suggested to him, he was obliged to fix upon three instances, that of Captain Crookshanks in 1739, of Captain Stott two or three years since, and of Captain Clements complaint of his inferior officers. He begged leave, at that instant, to call to the recollection of the house, that when the general motion was first made, it was narrowed to commissioned officers from officers, which would have included warrant and petty officers as well as commissioned only, at the desire of an honourable gentleman [Mr. Buller,] and a noble Lord in office [Lord Mulgrave,] under the idea of its being perfectly practicable to comply with it thus narrowed. But to return, though several days had elapsed since he moved for the particular papers, they had not all been produced till within a few minutes. He condemned such a conduct as highly disrespectful to Parliament, as an hindrance to the furthering of public justice, and as an avowed acknowledgment, that what administration were not able to meet fairly upon the ground of fact or argument, they were determined to suppress. He was obliged to proceed as well as he could without them, and he had no reason to doubt, but he should have been able to support his motion on the spirit and letter of the existing law, without ever travelling to procure assistance out of the act of Parliament itself.

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He then adverted to the particular circumstances of the transaction which gave birth to the present motion. That the admiralty ought to have a discretionary power, it was a decided point with him that they had that power. The necessity of the exercise of such a power was obvious to the meanest understanding; which he proved upon the possible case of an admiral being accused by an inferior officer, when proceeding upon actual service of the first importance, the success of which might totally depend upon dispatch. Just at the instant, suppose a specific complaint to be lodged, what must be the consequence if no discretionary power was vested in the admiralty-board? That the commander in chief must immediately have his conduct enquired into; that all operations must be suspended: but that is not all; though his station could be immediately supplied and ably filled, would the matter rest there? By no means. The principal officers of the fleet must attend as witnesses, or be superseded by others of less experience, unacquainted with their inferior officers, the ships and the seamen they were to command without knowledge of or confidence in each other. In short, till the fate of the party accused should be determined one way or other, the public service must stand still. Such a state of things presented an imaginary scene of the highest folly and absurdity. It supposed, that the admiralty-board had no power but to do harm; to bring on inevitable ruin and destruction upon their country; to defeat the very end for which they were constituted, that of controul and public preservation. But, thank God! the case was clearly otherwise; they possessed the discretion contended for; they were legally invested with it, and had exercised it for a number of years, indeed as long as there was a regular naval establishment in this country.

After this exordium he proceeded to state the scraps of paper, as he called them, upon the table, and contended, that few and imperfect as they appeared, they were fully sufficient to support the motion he was about to submit to the consideration of the house.

The first was, that of Captain Crookshanks. He complained of a captain under his command, in an engagement with a Spanish man of war called the Glorioso. He had himself been tried for not giving his assistance to his inferior, which it was his duty to do, and was, upon the circumstances of the case, declared incapable of serving again

during his Majesty's pleasure. When, therefore, he applied for a court-martial on his accuser, he was refused in the very terms which ought to have been used to Sir Hugh Palliser, when he delivered in his accusation on the 9th of December last to the admiralty-board. He was told, "That that board would never receive any accusation which originated in a spirit of resentment and recrimination *."

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* *Copy of the Letter from Captain* Crookshanks *to Mr.* Corbett, *Secretary of the Admiralty.*

SIR, London, 31*st* January, 1748-9.

I Received the letter you did me the honour to write to me the 4th of this month, in answer to mine of the 3d, in which "I applied to the lords commissioners of the admiralty for a court-martial to be appointed by their lordships for the trial of Captain Erskine, whom I had before, did then, and do now charge with the most disobedient, unwarrantable behaviour; and by whose mismanagement, as an officer, and as a seaman, I promised, and do at this time engage, it would manifestly appear, that my attempt and design to take the Spanish ship of war, called the Glorioso, was totally defeated."

To all which, you was ordered, you say, to acquaint me, "That, as this matter had been already duly enquired into at a court-martial, and their lordships do by no means think proper to order it to be done over again; and as to what I lay to the charge of Captain Erskine, their lordships think I should have made that appear when the court-martial was held, and not solicit another trial so long afterwards, which they can only attribute to a spirit of recrimination."

If this was the true state of the case in question, it would be highly presumptuous in me to take so much of your time in this manner; and to expect any favour or redress by such frivolous means as this, of complaining loudly, as I am forced to do, of the most notorious, partial, and illegal abuse of power, in this instance; together with every wicked art, that could be invented, and practised to my prejudice; without having the means, also, of proving every thing I have asserted; and of shewing, by such evidence as would amount to demonstration, before their lordships, the most unparalleled injuries and wrongs which I have most undeservedly suffered under, and therefore make this case, as I most humbly conceive, an object worthy of their lordships attention and enquiry; not so much for my sake, and upon my account, as to discourage the like iniquity and injustice hereafter, by publishing to the whole nation, to the great joy and comfort of every honest,

He next stated the case of Captain Stott, who was complained of by his lieutenant, and that made up in a specific

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worthy, brave man in the service, that there is a superior discretionary power lodged in the admiralty, to be occasionally made use of, by the lords commissioners, for the redress of this, and every such extraordinary grievance, as can possibly happen; so as to place every gentleman in the royal navy upon the same good footing with the rest of his Majesty's faithful subjects, free and secure at home from the ill effects of false, wicked, and malicious representations at a distance, however artfully contrived, as in this instance, to serve private ends and purposes, to wound the innocent, in order to hold up and protect the most contemptible and unworthy; and upon the whole, to make the world sensible, by this seasonable interposition of their lordships authority, that there are no sort of injuries or oppression for which the wisdom and foresight of our governors have not provided suitable remedies.

Wherefore, Sir, as an inducement to their lordships to shew some regard to these representations, (believing it possible that something very unjustifiable may have been done, to my prejudice, at so great a distance as the West Indies, and consequently that I had some reason in applying for a court-martial for the trial of Captain Erskine,) I humbly beg leave to remonstrate to their lordships, that the conduct, and what I lay to the charge of Captain Erskine, is so far from having been a matter already duly enquired into, that no question was admitted to be asked, and answered, at my trial, that had the least tendency to involve Captain Erskine; upon a pretence, maliciously advanced and pleaded by the judge advocate, to misguide and deceive the members of the court; that whereas their present business was confined to try Captain Crookshanks only, they were to expect another opportunity to enquire into the conduct of Captain Erskine; and therefore to suspend all such questions and enquiry until Captain Erskine had another opportunity to make his defence, before that, or some other court-martial, which would be soon appointed for his trial.

I will not take upon me to say how it came to pass that some men of virtue and honour, members of that court-martial, came to be so misled by others, and to give up their own dignity and judgments in the manner they did, by yielding to the many artful snares laid in their way; and, at last, to suffer their names and authorities to be so abused, and made use of, as if they had approved not only of the partial and unprecedented proceedings of the judge advocate, through the whole trial, but also of the most absurd, inconsistent, and unrighteous sentence itself, contradicted by an unanimous resolve of the same court, and pronounced by the

cific charge; and concluded his proofs with the cases of Captain Clements at one time, charged by the master of his

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the president in open court, with indignation, upon the judge advocate's attempting to sink and conceal the said resolve, which was as follows: "Sir, the court do, by an unanimous resolve, acquaint you of the suspicion of cowardice, disaffection, or want of zeal." Notwithstanding this unanimous resolve, whereby I am acquitted of every crime comprehended in the fourteenth article of war; yet, by the invidious craft of a scheming, prostitute, underworkman, the same men had the complaisance, for the sake of humanity, to give in the most inconsiderate, ill-grounded, and cruel sentence, pronounced in the face of the above-mentioned resolve, viz. "That Captain Crookshanks, by his misconduct and imprudent behaviour, falls under part of the fourteenth article of an act made in the thirteenth year of King Charles the Second, intituled "An act for establishing articles and orders for the regulating and better government of his Majesty's navies, ships of war, and forces by sea."

I am restrained from saying, in my own case, as much as I should wish to do, upon a like occasion, in behalf of any other man of the same service and character, in my situation, labouring under the same difficulties and misfortunes, proceeded from no mistake of mine, but the want of honesty, virtue, and the love of justice and truth in some, and the want of discernment and experience in others. But, as these facts are to go before their Lordships, and this letter to be read in their hearing, whatever I am prepared to say more, is the less necessary, considering, as I do, their Lordships' abilities and good intentions, which, I am fully sensible, will suggest to them better reasons than I could offer to answer every just purpose, either of a public or private nature, whenever they please to take this affair into deliberation, and think it a matter worthy to be examined into with some attention.

I should be extremely disappointed, if, after what I have herein faithfully represented, their Lordships should continue to suppose I was under the least influence of a spirit of recrimination, when I applied for a court-martial to be appointed to try Captain Erskine, upon the charge I exhibited against him, and of which I must observe, that, if he had ever thought himself innocent, how comes it to pass that he has nowhere applied, for his own sake, to be brought to a trial, according to the constant practice of others, who desire to be well thought of, and to live with a good character? But, since that is not the case, and that we think so different, and every thing are so unlike each other, I hope their Lordships will condescend to give me such an opportunity as is necessary, to disculpate myself with my King and Country, either

his ship, the Pallas, and his charges lately against his inferior officers, instances in neither of which any trial had been had, though the charges were direct and specific. But he had no occasion to cite cases at all to support his motion; the words of the act of Parliament furnished him with sufficient proof;

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before the same or any other court-martial, in such manner as may appear to their Lordships most suitable and expedient, to the only end I have of being justly and effectually condemned, or perfectly acquitted; concerning which, I am so clear in my conscience and judgment, as to have no sort of doubt of being able, upon a very short enquiry, so fully to justify the whole and every part of my conduct, that I wish for no quarter, unless I shall be found, in every respect, to have done my duty as an officer and seaman, worthy of commendation, instead of the censure that was artfully cooked up by the judge advocate, to colour and serve as a foundation for the sentence that was pronounced against me; of which, I suspect, there will be found in the copy thereof, and of the resolves of the court-martial, (sent to the Admiral to remain as a record in that office,) such material difference and alterations made, from what was publicly read, as, in every other court of judicature, would, I conceive, be interpreted and deemed fraudulent, and the party concerned be involved, and made liable to such pains and penalties as the law directs in such cases.

I am, with all imaginable respect,
Sir, your very obedient humble servant,
(Signed) J. CROOKSHANKS.

To Thomas Corbett, Esq.

Mr. Corbett's *Answer.*

SIR, *Admiralty Office,* July *5th,* 1749.

I have received, and communicated to my Lords Commissioners of the Admiralty, your letter of yesterday's date, desiring a court-martial may be held on Captain Erskine, for misconduct in the late action with the Glorioso, and copies of several papers, in order to make good your charge against him: and I am commanded by their Lordships, to acquaint you, that if you had designed to have brought him to a trial for misconduct in the action, you ought to have applied abroad, in proper time, to your commander in chief; but not now, after your condemnation, which proceeds from a recriminating temper.

Their Lordships farther order me to let you know, that your name is struck out of the List of Captains; and that you are not to look upon yourself to be considered as a captain in the navy.

I am, Sir, your very humble servant,
(Signed) THOMAS CORBETT.

To John Crookshanks, Esq.

proof; proof so ample indeed, that he would venture to predict, that there was not a single professional man in that House, eager as many of them might be to distinguish themselves in the present contest, that would be hardy enough to dispute the discretionary powers vested by the statute of the 22d of the late King, in the admiralty-board; or rather to prove this negative, that no such power was vested in the board previous to the passing of the statute, or that the power existed before in the board, and was divested by the statute.

To prove the first in the affirmative, he laid it down as clear indisputable law, that from the reign of Charles the Second downwards, to the year 1749, a discretionary power was vested and exercised by the admiralty-board; that the statute did not limit, alter, or restrain this discretion in any instance but one, namely, that of restraining the time of receiving complaints to within three years after the fact committed, and six months after the arrival of the party in any port in Great Britain; and finally, that both the words of the statute, and the powers delegated to the commanders of squadrons, &c. and to the uniform usage of the board itself, all met in one single point, that the board were possessed of the discretion, and always exercised it when they thought proper.

He proceeded to confirm this part of the argument by references to the statute itself. In the clause which directs the trial, and vests the power for ordering it, he observed, that it concludes with the words, "if occasion should require," which words contained in themselves the most apt description of a discretionary power; it says, *do* such a thing if *occasion* should require; that is, if you *think proper*: do *not* do it, if you think the complaint *improper*.

The clause which impowers the admiralty-board to give instructions to commanders going on distant service, defines that part of the power thus delegated in the same manner. It commands or directs the commissioners of the admiralty to instruct the officer or commander to do—what? to order enquiries and courts-martial, when on distant service, whenever they shall see occasion for them. He shewed, that this was the sense in which all admirals and officers in high command had uniformly interpreted their instructions, and acted under them, and condemned the absurdity of supposing that the board could delegate a discretionary power which they were not possessed of themselves; and concluded this part of

his argument with commenting on the last clause in the statute, which reserves and confirms every power vested in the admiralty-board, by all laws and statutes heretofore in being, in as full and ample a manner as they had ever been possessed and enjoyed. He went into a variety of arguments of a similar nature; but as the debate took a different turn, such of them as more particularly produced that turn, were all that were deemed necessary.

He then proceeded to apply his argument directly to the first motion he intended to move. If his facts and reasonings were true, if he was right in matter of law, and clear in point of opinion, which he trusted was confessed by the House, his motion would appear in the light of an incontrovertable conclusion, collected from his premises. He accordingly moved, "That it is the duty of the lords commissioners of the admiralty, upon charges exhibited to them of naval offences, to direct, refuse, or delay the holding of courts-martial, as, upon consideration of the circumstances of the case, and a due exercise of a sound discretion, there shall be occasion."

He did not wish to take the house by surprize; but if this resolution should meet the approbation of the house, as he doubted not it would, he gave notice, that he would follow it by another, which would bring the question into discussion relative to the good or bad conduct of the admiralty-board, in ordering Admiral Keppel to be tried on an accusation made by Sir Hugh Palliser. That board would then have a full opportunity of vindicating their conduct in the face of the nation, and declaring fairly and openly whether they acted through ignorance or design.

He then read his second motion, which was, "That the conduct of the lords commissioners of the admiralty, on the 19th of December last, in coming to an immediate resolution to direct a court-martial for the trial of the honourable Admiral Keppel, commander in chief of a fleet of his Majesty's ships of war, (on a charge exhibited against him on that day by Vice Admiral Sir Hugh Palliser, a member of that board,) was, as far as it proceeded upon the ground of a supposed want of discretionary power to refuse or delay that direction, unwarranted by the letter or spirit of the said act of Parliament, contrary to the antecedent practice of the admiralty, and would, if admitted, establish a principle injurious to the service, and detrimental to the state; and

and that the measure is, upon any other ground, indefensible, under the actual circumstances of the case."

Lord *Mulgrave* confessed his inferiority, in point of legal construction, with a gentleman whose profession not only led him to studies of that kind, but whose abilities, habits, and great legal ingenuity, were frequently exercised in putting two interpretations directly contradictory and repugnant to each other, upon the same statute. After some further oblique reflections of the same tendency, and before he proceeded to argue the question, he observed that the complaint of the disrespect shewn to the house, in not complying with its orders relative to papers, was extremely ill-founded, because it was impossible to be obeyed. What was the order? No less than for copies of the proceedings of all the courts-martial which had been held since the passing of the act of the 22d of George the Second, a period of thirty years, and which were of that magnitude, he believed, as scarcely to be contained in sixteen large volumes in folio. The truth was, that it was not thought proper to suspend the public business of the nation, merely to copy those papers, which the honourable gentleman confessed he could do without. Besides, the other house had given very extensive orders for papers, which had not yet been complied with; nor was it possible to comply with both, without neglecting all other public business.

As to the motion read by the honourable gentleman, he said, he was astonished how it could be offered by a gentleman of the long robe, who must know, that a resolution of the House of Commons, declaring the law was not law, and let that declaration be ever so strong, that it left the law precisely as it found it: nor would the courts in Westminster-hall be influenced by any such extra-judicial determination; they would not pay it the least attention; they would declare the law, not the opinion of the House of Commons. If the admiralty-board had acted illegally or improperly, the laws of the country were open, and redress could be obtained by the injured party against them. That house, he contended, could no more declare the law, than they could make it. It composed but one of the branches of the legislature. A vote of that house was no more than an opinion; it neither bound nor could reach any man, unless he had offended against the laws of his country, and if he had, he was amenable only to a legal tribunal.

He gave the history of the cases or precedents cited from the papers on the table, which, after nearly an hour's detail, amounted simply to this, that Captain Crookshanks was re-

fused to be heard as an accuser, merely because, after the engagement with the Glorioso, he went aboard the captain of the Warwick, and in presence of all the officers and seamen, purposely called upon deck, bestowed the highest commendations on the prowess and skill of Captain Erskine, who with a fifty-gun ship had maintained so warm and long an engagement with a Spanish man of war of seventy-four guns. The affair of Captain Stott was not of a nature properly cognizable by the admiralty-board; for it was only a charge of having entertained and rated on the books landmen as ordinary seamen, a distinction which it would be, indeed, very difficult to ascertain; but taking the complaint as eventually well founded, it came within the description of embezzlement, rather than of any criminal offence properly cognizable by the admiralty-board. He said, the complaint of Captain Clements against his inferior officers was trivial in itself; and all the instances in which trials had been refused, were such only where the charges were loose and indefinite, and wanted that degree of certainty and specification which was necessary to the party accused, to come upon equal terms to his defence.

After repeatedly saying that the stream of precedents militated against the learned gentleman's motion, he quoted the particular case of Captain Powlet, the present Duke of Bolton.

In a letter which Captain Powlet wrote to the late Duke of Bedford, whom he imagined to be still at the head of the admiralty, he complained of the conduct of his principal, the late Admiral Griffin, for misconduct. The Duke, though out of office, as soon as he received it, transmitted it to the admiralty-board. When the Admiral arrived in England, he complained of Captain Powlet. A question arose, Whether the letter, thus transmitted, should be deemed a private intimation, or public correspondence? It was at length finally determined, that the complaint of Captain Powlet should be enquired into, and the captain expressing a reluctance and dislike on the occasion, that a private letter should be turned into a public accusation, in a letter to the board, he was answered, that when he lodged his complaint, he should have known that his admiral must be tried; and he was informed, that the board were doing their duty when they directed him to make his charge. From the words must and duty, it was plain, the lords of the admiralty, at the time, held themselves bound to order a trial, as soon as a specific charge should be exhibited. The first letter sent to Captain Powlet was that

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from which was copied the one sent to Admiral Keppel, to desire him to bring his charge against Sir Hugh Palliser. Gentlemen might think proper to be offended at the style of the letter, but they might now learn, that it was an official one, not particularly framed for the occasion. It was true, the admiral, in the case before-mentioned, recriminated; but he was told, that he must first answer the charge of his inferior officer, before any charge he made could be properly enquired into.

His Lordship observed, that a great deal of pains had been taken in former debates and conversations on this subject, to trace out an analogy between the power of grand juries and the admiralty-board. For his part, he could not discover the similitude. The mode of proceeding, and the objects of enquiry, were very different. Not to be condemned at the Old Bailey, was the chief interest and object of the person accused. The event of his trial was a matter of indifference to the public, so that justice was done: but in military and naval courts-martial, the public was deeply interested, when the parties accused were persons in high command. The persons thus called to account, might have the safety, protection, and dearest interests of the nation committed to their care, and it ever should be an object of the first importance to the people, that no man should be permitted to remain in the service of his country, whose character had been impeached, till the truth of the charge was enquired into; and, indeed, common justice and humanity required it, in behalf of the person accused.

It was evident, that when the constitution empowers a set of men to discharge any particular trust, that it means to delegate every thing necessary for effecting it. It was the duty of the admiralty-board in particular, to see that officers had done their duty; to examine, without the power to give an opinion whether the matter was deserving of enquiry, could answer no purpose or end whatever. To prevent superior commands from falling into improper hands, was one of the prime duties of the admiralty-board. Where any cause of doubt arose, it was the duty of the board to send the ground of doubt to be enquired into; and when charges and insinuations were thrown out, it was the only means an officer had of vindicating his character. Many proofs had been given of the earnest desire of officers to avail themselves of this right by applications to the board, to have their conduct enquired into, which, in general, had been always complied with. Were it otherwise, it might open a door to collusion, to cover

ver guilt, because, if no accuser appeared, the person charged or suspected might be permitted to escape with impunity.

Admiral Knowles, though high in rank and reputation, had been tried on a charge of four of his captains, though the accusation was grounded on what must be esteemed an act of gallantry. The board who ordered the trial were never censured for sending the complaint to be enquired into.

Captain (now Admiral) Arbuthnot was accused by a very inferior officer; his innocence was not questioned at the time, yet Sir Charles Saunders and Mr. Keppel, who then sat at the board, were never blamed for ordering him to be brought to his trial.

Mr. Windsor must now be tried, when restored to liberty, for the loss of the Fox; yet all mankind must subscribe to the gallantry and high professional merit of the honourable captain: but nevertheless, the admiralty-board had it not in their power to stop the established form of justice.

His Lordship, upon the whole, contended, that whatever the law in technical construction might seem to import, it was the usage that would and ought to determine the question. The practice had been uniformly to send complaints to a court-martial, when they were of such a nature as to admit of an issue: the complaint preferred against Sir Hugh Palliser came within that description; and, as far as that principle led, he was ready to maintain against every gentleman of the long robe within and without that house, that the admiralty-board were not invested, either by the ancient, or any subsequent law, with the discretionary power, to the extent insisted upon by the learned gentleman.

Lord *Howe* said, the doctrine so confidently urged by the noble Lord gave him just cause of alarm. He had acted according to the instructions from the admiralty-board. Those instructions vested in him what he deemed a discretionary power. He had acted conformably to those instructions: but what was he told now by an high official authority, no less than the mouth of the admiralty-board in that house, That though his instructions were discretionary, those who delegated this discretionary power had no such power themselves. If this should really be the case, he hoped that a bill would be brought in for the purpose of amending the act in the first instance, and for that of protecting such as had acted under those powers in the second.

For his part, as long as he knew or remembered any thing of naval service, a discretionary power was thought to exist; was regularly exercised; and, till the affair of Admiral Keppel

pel brought the question into discussion, was constantly acquiesced in. The instructions stated the power, and defined it; it was constantly exercised by every naval commander, as soon as he quitted the narrow seas; nay more, one clause in the act even extended to the merchants' service, and vested a discretionary power in a certain number of captains or masters of trading vessels; for in any port where there happened to be at the same time five British masters of ships, upon a complaint against any master, petty officer, or seaman, aboard those ships, it was competent for the officers to proceed to enquiry and judgment, referring, however, the sentence finally to the admiralty-board. He wished sincerely to have the matter fully explained.

Mr. *Hans Stanley* said, if he assented to the motion, he should give his assent to a motion which he did not approve of, particularly as it was a resolution precedent to an intended and avowed vote of censure; if he gave it a negative, he must give it to a proposition several parts of which he looked upon to be true. He was persuaded that the admiralty-board were invested with a power to direct, refuse, or delay courts-martial; consequently he could not vote against that part of the learned gentleman's motion. Experience justified him in affirming, that during the eight years he sat at the admiralty-board, which were the eight most glorious years this country ever knew, upon complaints preferred, it was always understood that the board might reject or entertain the charge if they thought proper. At the same time he did not like the word discretion, as stated in the motion; it was a word too loose and indeterminate; nor could he ever assent to what appeared to him so liable to abuse; for it might create a power not to receive any complaint, however justly founded, or to entertain any accusation, however absurd, preposterous and improbable.

Rt. Hon. *T. Townshend* congratulated the hon. gentleman who made the motion on his victory over administration, so far as his motion went. A gentleman of high character, of great weight with the other side of the house, had now declared, in the terms moved by his honourable friend, that the admiralty-board had a right to direct, refuse, and delay a court-martial. What was this but the very discretion contended for? But the honourable gentleman does not like the word, because it is too loose; nor the specification, because it is too definite. He will not give the motion an affirmative, because it may lead to a vote of censure; nor a negative, because

cause it is founded in truth; in short, the honourable gentleman's argument goes to this, that he will not vote for a proposition which he knows to be right, lest it should be followed by another which he does not approve of. He made several other observations to the same effect, and sat down with observing, that all the ministerial mechanic powers of the admiralty-board, which had been stated as the only apology for sending Sir Hugh Palliser's accusation to be enquired into, were totally abandoned by the honourable gentleman; they were set up as the temporary defence of the day, and being found no longer tenable, were thrown aside, and the favourite argument of not coming to any vote which may immediately or remotely affect administration resorted to in the last instance.

Mr. *Hans Stanley* appealed from the honourable gentleman's conclusions: he denied that he acknowledged a discretionary power in the admiralty-board, in the sense conceived and now explained by the last speaker; nor that he said he would vote for the motion, if he was to vote at all; for the truth was, that he could neither vote for nor against it in the manner it presented itself to the house. If it was altered so as to meet his ideas, he would then vote, but not until then. He gave an intimation of wishing that the motion were disposed of in some other manner than giving it a direct negative.

Mr. *Wedderburne* [Attorney General] acknowledged that he had been led into a hasty opinion when the question was last mentioned in that house, though not to the extent nor in the manner which had been alluded to by his learned friend [Mr. Dunning]. He was clear, and perfectly coincided with his learned friend, that the act of 22 George II. gave no new power, nor took away any old one, except in the single instance mentioned by him, relative to the limitation of the time for receiving an accusation either in Great-Britain or elsewhere. The powers vested in the board on its first constitution, continued the same to the present instant. He therefore begged to remind the house, that although what he offered on the subject was hastily offered, he nevertheless reserved to himself the natural right of re-consideration and revisal. He did not commit himself blindly; it was never his manner. He always spoke under the reserve of future revision; and he was now as ready to acknowledge that the admiralty-board had a right to direct, refuse, or delay courts-martial, as he was when the question was first agitated to

state

state his doubts, and give a conditional opinion that no such power existed.

He did not think but the circumstances of the case on the present occasion fully justified the conduct of the admiralty-board. What were they? An officer of high rank, and of the first reputation in his profession, makes a specific accusation against his commander in chief, not of equal rank, but of equal reputation with the person whom he accused. What did the accuser stake? Every thing valuable and dear: the fruit of forty years services; a fame and reputation purchased with his best ability; his professional rank; his seat at the admiralty-board; the lieutenant generalship of the marines; the government of Scarborough Castle; and eventually his seat in that house. Was not one half of these a good pledge to the admiralty-board and the public, when staked upon an accusation consisting of five specific articles. For his part, he never believed the charge to be true; and yet he confessed he was staggered when he considered how little the vice-admiral of the blue had to gain, and how very much he had to lose, and which he knew he must lose, if he failed in making good his accusation. He had already experienced in part, what he well deserved. He had been declared by a most respectable and honourable body of men, the members of the court-martial who tried Mr. Keppel, as the author of a malicious and ill-founded accusation. He had no reason to doubt that the assertion had been proved, and well proved; and he (the vice-admiral) ought and must take the consequences of his malice or folly, no matter which, so far as it was connected with the present debate. He did by no means wish to pre-judge the vice-admiral, who, he understood, was to undergo a trial into his conduct, relative to the affair of the 27th of July. Far from it; he presumed that the vice-admiral was an able and gallant officer; all he meant to say was, that such an accusation, made by such a man, justified the conduct of the admiralty-board, and precluded them from exercising a discretion, which, in almost any circumstances short of those already mentioned, would perhaps have been extremely proper, when opposed to the deservedly high character and the eminent services of the commander in chief, as well as the numerous inconveniences which in times of war must ever accompany public enquiries of so extensive and important a nature.

The

The main part of his argument, which was collateral on the subject at the time alluded to, he would never give up, as the more he considered the subject, the more fully he was convinced he was right; he meant the supposed analogy between the powers vested in the admiralty-board, and those interpositional or discretionary powers vested in grand juries upon bills of indictment and informations in the court of King's Bench.

The same ideas which prevailed with his learned friend on a former occasion, seemed yet to keep possession of his mind. The motion said as much: the words "according to the circumstances of the case," had evidently this interpositional or discretionary power in view. Would the learned gentleman say, that the admiralty-board had the capacity to act as a grand jury, or as the court of King's Bench? Could they, as well as the two latter, enquire into the "particular circumstances of the case?" Could they examine witnesses, either *ex parte* as a grand jury, or as the court of King's Bench. If they could not, what circumstances of the case could possibly come legally within their cognizance? None at all. He should therefore never consent to come to a vote, resting on the broad ground of discretion. Such a vote, considered even as a rule to the gentlemen of the navy, would only serve to distract and confound, and lead to uncertainty, error, and abuse. For instance, there was a commander of a squadron now preparing to depart for the East Indies. He might not probably leave Portsmouth, should the present vote pass, before he would learn that this house had declared the law, "that it is the duty of the commissioners of the admiralty, and of every officer under them in their several subordinate ranks and situations, to exercise a due and sound discretion." Well, the admiral proceeds perhaps till he gets beyond the line, and then takes up a book of great law authority, which informs him, that discretion is the law of tyrants. In such a case, what is the admiral to do? A vote of this house tells him to exercise a due and sound discretion upon the circumstances arising before him; the great law authority warns him, that discretion is the tyrant's law. His three great propositions were, that the board were invested with a discretionary power; that the power so vested was not analogous to any power exercised in the courts of common and criminal law; and that it was absurd to come to a vote, to shew that a discretion was vested in the admiralty-board generally, when the nature of the discretion itself was limited, by including

cluding in the same vote, that the board had a right to direct, refuse, and delay sending complaints to be sent to a court-martial. Before he sat down, he declared he was partly of the opinion of the honourable gentleman. He could not say that the admiralty-board had not a discretion, nor that they had, according to the circumstances of the case; these words importing an intermediate enquiry, between the receiving of a complaint, and sending it to a court-martial. Thinking, therefore, that a direct negative or affirmative would be equally improper, he begged to suspend the decision of the question one way or other, by moving the previous question.

Mr. *Burke* was severe on the reasoning of the learned gentleman. He approved much of his candour and explicit conduct, in reprobating the absurd ideas of his friends, which he had so warmly espoused before Christmas; and lamented that he had not pushed both a little further, and applied them fully on the present occasion.

The learned gentleman had given up two points without reserve. He acknowledged, that the present board possessed every substantial power enjoyed by their predecessors since early in the reign of Charles II. and that the powers so possessed amounted to discretionary powers; but, says the learned gentleman, though a discretion is lodged in the board, they must not be told that they have it, particularly by this house. When the power is spoken of at first, it is extremely necessary to deny its existence, with a reserve, however, of acknowledging it hereafter, when it can be no longer defended. But attend to the manner and further purpose of this concession; it is acknowledged, that this power exists, but sooner than resolve one way or the other, the honourable and learned gentleman has proposed the previous question. By this means, as well in form as effect, the learned gentleman, the first law-officer of the crown, tells you, that the admiralty-board were merely ministerial; he tells you now, that he retained a reserve within his own breast of recanting his first opinion, and thereby retaining his credit and integrity. Well, what is the effect of all this? He divides his discourse into three parts; in the first he states the discretion contended on this side of the house; in the next, that it does not partake of the discretion exercised by grand-juries and the Court of King's Bench, in granting or with-holding informations; and, thirdly, because it is not such a species of discretion, and because it is limited, it amounts to no discretion

cretion at all. Thus, whether the discretion exists, or does not exist, forms no part of the question; for if it does, it arises not from "the circumstances of the case;" and if it does not exist precisely in that manner, it cannot be exercised.

The learned gentleman continues but a very short time of the same opinion; for, after labouring a great deal to prove that the discretion contended for at this side of the house, bears no resemblance to any other species of legal discretion whatever, he spends above half an hour in argument to prove, that though the admiralty-board had a discretionary power, they could not properly exercise it, according to the circumstances of the case; the very words in the motion with which he has quarrelled, and his motive for with-holding his assent and getting rid of the motion by the previous question. The vice-admiral was an officer of high rank in the service, of great reputation in his profession, possessing considerable posts and emoluments under government, the loss of which he hazarded on the truth or falsehood of the accusation preferred by him against his superior officer. Now by any rule of common sense, or deduction, what are all these but the circumstances of the case? Did not the board deliberate and determine upon those circumstances? If they did, then the learned gentleman's ground of objection falls instantly to the ground; if they did not, they acted ignorantly and criminally in not exercising that discretion which the law had vested in them.

The learned gentleman finding himself bewildered, however, in endless mazes of intricacy and contradiction, has recourse to a most curious and novel mixture of fact, supposition, and argument.

He takes it for granted, that Sir Edward Hughes, now destined for the East-Indies, should the house come to the proposed vote, will unfortunately go out possessed with the preposterous idea, that he is justified by this vote to exercise a broad discretion. What next? Why, as soon as Sir Edward passes the line, so fate hath decreed it, he will take up some great law authority to peruse, and having perused it, he will then and there find contained in the said law-book, that discretion is the law of tyrants. What then is the conclusion? That Sir Edward will not know in the world what to do. If he disobeys the vote of this house, he will be guilty of a breach of privilege, or at least a breach of duty; if he does not disobey it, then comes his conscience accusing him, reminding him that

that he has preferred discretion, the tyrant's law. So that if he does not act discretionally, which the law impowers him to do; or if he acts merely ministerially, which the law forbids him to do, according to the concessions of the learned gentleman himself, Sir Edward is sure to remain in doubt and uncertainty, and when he is acting perfectly right, according to his own judgment and opinion, he must be persuaded he is acting perfectly wrong, and contrary to his conscience.

He was willing, however, not to shock the learned gentleman's understanding, by tracing an analogy between the proceedings of the admiralty-board and our courts of criminal and common law. He would acknowledge, that the board had no right to examine witnesses *ex parte* upon oath, like a grand jury; nor to receive written testimonies upon oath, like the court of King's-bench, previous to the granting or refusing an information. But as the learned gentleman had described the board, stating the probabilities which determined their conduct on one side, why not suppose that they ought to have informed themselves as much as they could on the other; and after putting them in opposite scales, determine fairly in favour of the weightiest. Why not take the long and able services of the commander in chief as the basis to plead on, as well as the services of Sir Hugh Palliser? Why not consult the vice-admiral of the Red, Sir John Lindsay, Sir John Lockhart Ross, and the captains La Foreste, Walsingham, Gower, &c. If the board could not examine them upon oath, they might confer with them as officers, and consult them as gentlemen and men of honour. If what those gentlemen would have said could not be received as evidence, it might well be opposed to an accusation not given in upon oath. The opinions of such men, had they been desired, might well meet the opinion of that of Sir Hugh Palliser, for his accusation was no more. He was not bound to prove in any other manner but by the oaths of other men; so that take it in any sense, if the opinions of those gentlemen already mentioned had contradicted that of the vice-admiral of the blue, it would have been no more than weighing opinion against opinion.

He observed, that the noble Lord [Mulgrave] who opposed the motion, had with his usual ability contended, that a vote of the House of Commons, declaring the law, was not law, nor binding upon the courts in Westminster-hall. He agreed with him most heartily; but he trusted, that a vote of the House of Commons did not render what was before legal, illegal. If it did not, then the observation went for nothing.

But the question of law was already given up, by the noble Lord's learned friend, who spoke last; therefore, a vote of the House of Commons, declaring what the law was, when it went to declare what the law was acknowledged to be, was not usurping the whole legislative power into their own hands, but a mere opinion, that the legislature had declared the law to be such as stated in the vote.

The noble Lord's sentiments in the course of his speech brought a very remarkable circumstance fresh into his mind, which proved that his Lordship once entertained a very different opinion. His Lordship moved a proposition in that House some years since, and maintained the propriety of it in a very able manner, in which it was asserted, that one of the ordinary functions of the first law-officer of the crown, [alluding to Captain Phipps's motion in 1777, relative to the illegality of the Attorney General's filing *ex officio* informations,] was contrary to law, and the fundamental privileges of the people under the constitution; it seemed, however, that the noble Lord exerted himself in this spirited attempt to no purpose; for if it had been carried by a vote of the House of Commons, it would have availed nothing, it would have been disregarded by the judges in Westminster-hall, which was not the language held by him on that occasion, and which he would not have treated as an extra-judicial opinion, that no man was obliged to take notice or obey, because it had not the sanction of the other two branches of the legislature.

After some farther allusions on the former and present conduct of the noble Lord, he again resumed his observations on the arguments of the learned gentleman who spoke last, which he held up in a variety of strong lights, as involving a series of absurdity and contradiction. He concluded with recommending to the house, to come to the vote desired, as the only means of removing that contrariety of opinion every person on the opposite bench held with himself, and every individual who spoke held with the speaker who preceded him.

Mr. *Solicitor General* said he should enter into an investigation of the legal question, to shew, that the discretion vested in the admiralty-board was not analogous to any other species of power exercised in any of the stages of criminal proceeding. The board had been improperly described by the honourable gentleman who spoke last; for it could not authoritatively send for Vice-admiral Harland, for Sir William Lindsay, or Sir J. Lockhart Ross; nor, if they had sent for them, and interrogated them on the affair of the 27th and 28th of *July, were they* bound to answer. Nor could their loose opi-

nions,

nions, not given upon oath, or given under the sanction of any legal provision, outweigh the positive duty which the law imposed upon them in the capacity of commissioners, having before them no less than an accusation, which, if proved, rendered the party convicted liable to suffer death.

The distinction lodged in a grand jury and the court of King's Bench, was of a very different texture. The grand jurors had a right to examine witnesses *ex parte*, and, on that medium of proof, find or reject the bill as they thought proper. In like manner, the court of King's-bench hear the parties by their counsel in court, and are in possession of facts by affidavits, which is the great ground of proceeding. He went largely into this subject, to prove, that the discretion possessed by the admiralty-board did not partake of the nature of that inherent in grand juries, and the court of King's-bench.

He then met the great argument, that the admiralty-board had the discretion contended for, but declined to exercise it, which he defended upon the three following grounds; the magnitude and specification of the charge, the character of the accuser, and the strong probabilities which presented themselves to the board, that a person so circumstanced would not have brought an accusation totally false.

The accusation was direct and specific, and composed of five separate articles, upon any one of which issue might be taken, and the proof eventually lead to the condemnation of the accused, or the infamy and ignominy of the accuser.

What was the next consideration which ought to have pressed itself on the minds of the admiralty-board? The rank and character of the accuser. Who is this man? He is a person of very high character in his profession, of long and merited service, of great rank as a professional man, and was a witness and actor in the transactions of the 27th and 28th of July. But supposing that the board had carried their doubts to their fullest extent, would not the pledge, which the accuser held out to the board, be sufficient to do away all doubts and surmises?

What then is the nature of this pledge? No less than a vice-admiral, one of the commissioners of the admiralty, lieutenant-general of the marines, a governor of Scarborough castle, and a member of that house, possessing places and emoluments little short of 5000*l. per annum*, who is the author of the charge. What then, in the acceptation of the common-sense of mankind, does such a conduct amount to, but that a great and respectable naval officer, of distinguished

reputation in his profession, comes to the admiralty-board, and tells them substantially, "This is my charge against Admiral Keppel. I pledge myself to prove every article of it; you cannot doubt my intentions, for I have staked forty years service, my rank, reputation, and great emoluments on the event. I must bring the charge home to the party accused, or my ruin is inevitable." Here he launched forth into very passionate expressions against Sir Hugh Palliser, and bestowed several harsh epithets on his conduct, which he attributed to the worst motives, those of envy, rancour, resentment, and self-defence. He said he was no longer worthy of notice, that he hoped the justice of the nation would be satisfied by bringing him to a trial, and though, for want of rigorous prosecution, Sir Hugh should be acquitted, he would be one of the first in that house to rise to move, or readiest to second a motion of censure on the admiralty-board, if they should again employ a man who had been convicted, and, in his opinion, very properly convicted, of the worst of all human crimes, that of preferring a malicious and ill-founded accusation against his principal in command. His conclusion on the whole was, that the admiralty-board had a discretion of a particular nature, but not founded in previous enquiry; and that upon the circumstances which accompanied the accusation made by Sir Hugh Palliser on the 9th of December, though they were competent to refuse or delay, they were fully justified in immediately directing a court-martial. He spoke for upwards of an hour, and very ably.

The Lord *Advocate* of *Scotland* re-stated some of the arguments used by Mr. Attorney and Mr. Solicitor; talked of Sir Hugh Palliser as a gallant officer, accusing another gallant officer with misconduct; and contended, that the admiralty-board could not have acted otherwise than they had done, without being guilty of manifest partiality. He travelled through a great deal of miscellaneous matter, such as riots, window-breaking, processions into the city, &c. and afterwards returned to the subject, wishing rather to meet the motion fairly and directly than by the previous question, because the words "circumstances of the case" could not be supported in the first motion, as the board had no authority whatever to enquire into circumstances; and of course no censure could lie on the admiralty-board, for not exercising a power they confessedly had not.

Admiral

Admiral *Pigot* contended, that the board had a discretion in the instance alluded to, and were specially called by the very words objected to in the motion, "circumstances of the case," to reject the complaint.

What were those circumstances? A vice-admiral, knowing of the crimes alledged by him against his superior in command, comes into port, after being witness to a conduct which deserved capital punishment, and remains silent. He sails a second time, under the same commander, on whose skill and conduct the very safety, nay existence of this country depended. Hitherto not a syllable of complaint escapes his lips, till attacked in print by an anonymous writer, who charged him with disobedience of orders. Here then, after some months, for the first time, in order to defend himself, he finds fault with his commander in a newspaper, to which he signs his name. Nevertheless, a month intervenes and no charge is made. At the end of that month, the affair of the 27th and 28th of July happens to be mentioned in that house, when he again repeats his charge. He confesses he did not obey the signal; he says he could not obey it; and charges the admiral with being the cause of his not being able to perform his duty, by his mistakes and errors in his mode of engaging; he adds at the same time, "There is nothing I more sincerely wish, than to have my conduct enquired into; but I decline it merely on account of the advancement of the public service, which must materially suffer should I be brought to trial." Well, a day was appointed when the house should next be in a committee of supply, on the navy establishment, namely, on 10th of December, to enter into a discussion on the subject. On that day he attended in his place in that house; both the admirals were present; Sir Hugh Palliser said, the committee would be deferred till Friday (the 11th) when he would again attend in his place. This was about a quarter after three. In a few minutes after, Sir Hugh quitted the house, with the accusation in his pocket, which was received by the board at half past three, and a letter sent at half past ten that night to Admiral Keppel to prepare for his trial. This plain narrative of facts furnished "the circumstances of the case," which would have fully justified the board in refusing a trial. Sir Hugh's silence at Plymouth, and from thence to the appearance of the anonymous publication, his apology to the House of Commons for not demanding a trial into his own conduct, his secretly

preferring the accusation previous to the day in which the matter was again to be discussed in the House of Commons, and his declaring in his place in that house, after the accusation was received by the board, that he would never have preferred it, were it not to clear his own character. These, he said, were the circumstances of the case; circumstances more than sufficient to shew, that the accusation originated either in the most base and unmanly malice, or in a principle of self-defence and conscious guilt or negligence in the day of action.

The admiral then passed several high encomiums on the two great officers about to quit the service (Howe and Keppel.) He recapitulated their various services in very flattering terms. He begged Lord Howe's pardon for speaking favourably of him to his face, as he knew no man liked it less; spoke of his great services at Rhode Island; read a very long letter from his brother who commanded there, highly extolling the conduct of his Lordship; and concluded with a general testimony, how calculated by every virtue, public and private, he was to conquer and command, by the interest he had in the heart of every British seaman. He trusted the expression, however homely, would not offend his Lordship: that was, "Give us Black Dick, and we fear nothing." He added, though from particular circumstances several great naval characters were disgusted, he could never hear without pain, that it might and would affect the service in general. It was reported, that upwards of twenty captains of the first reputation were on the point of retiring from the service. He had made an enquiry concerning its truth, and he was glad to find it was totally groundless.

Lord *Howe* answered the compliments paid him by the last honourable gentleman, confessed how little he deserved them; and observed, that he would deserve the epithet of "black," indeed, in a very different sense, if he did not feel the most grateful emotions at his heart, on the very favourable opinion his country, his brother officers and seamen, entertained of his feeble attempts towards a performance of his duty.

He said nevertheless, it would not be prudent to trust the little reputation he had earned by forty years service, his personal honour, and every thing else which he held dear, into the hands of men who had neither the ability to act on their

own

own judgment, or the integrity and good sense to follow the advice of others, who might know more of the matter.

General *Conway* said, the gentlemen of the long robe who opposed the motion, had clouded it over, and thrown the whole into uncertainty and confusion. They had in one part of their arguments contended even for the discretion they laboured most earnestly and violently to prove, that it was a particular species of discretion; they agreed in fact to the terms of the motion, and finally had laboured to put off the decision, by the means of the previous question, because they doubted the extent and nature of the discretion.

He then entered into the question at large, to shew that the admiralty board had a discretional power to send or not to send the accusation to be enquired into, and that there never was an occasion, upon the apparent circumstances of the case, which called more pressingly for the discretional interposition of the admiralty board.

Mr. *Fox* laid the principal stress of his argument on the admiralty-board, not only sending Mr. Keppel to trial in the hasty precipitate manner in which they did, but refusing him the use of such part of his instructions as might be necessary to his defence. He read the letters which passed between the admiral and the board, pending the trial, which he contended amounted to a direct denial: because, first, they tell him, that they will admit him to make use of such part of his instructions as may not be the means of conveying improper intelligence to the enemy; and when the Admiral applied the second time, he was in fact refused, for he received a copy of no part of the instructions. He concluded, emphatically, that the man, the Earl of Sandwich (he named him) who deprived this country of two of her bravest Admirals, was a greater traitor to the nation than the man who set fire to the dock-yards.

Lord *North* spoke in answer to most of the arguments that had been urged on the other side. His chief effort was to distinguish the same services and reputation attending the conduct of Admiral Keppel, from, what he called, the false and spurious pretensions built upon them by the friends of the present motion. His Lordship launched forth into the highest panegyric on the Admiral, who, as a first rate, he represented as sailing before the wind, with all his sails set and streamers flying; he observed, that opposition had forced themselves into the shrouds, some on the yards, &c.

They "in their little bark attendant sail,
Pursue the triumph, and partake the gale."

After pursuing this idea for some time, his Lordship compared them to the barnicles which fasten upon a ship's bottom, render it foul, and impede its usual progress. In one view, he observed they added to the triumph; in the other, they rendered the Admiral's bottom foul, his courses slow, and if he did not shake them off in time, they might soon render a repair extremely necessary.

His Lordship went into a variety of proofs to shew that the board could not have acted otherwise than they had; for that if the trial had been refused, it would furnish a pretence for saying that they received a complaint, or perhaps advised it, and refused to send the charge to be enquired into, on purpose to prevent the Admiral from proving his innocence.

Colonel *Barré* was severe upon Lords North and Sandwich, who, if they knew what every crown lawyer now confessed, he said, behaved like traitors to their country. That they had entered into a conspiracy to sacrifice Admiral Keppel to their malice and revenge. And he warned the noble Lord in the blue ribbon, who, since his late declarations in that house, was equally responsible with the noble Earl in the other house, that if Admiral Keppel and Lord Howe were to be driven from the service of their country, or, as he emphatically expressed himself, if this country should be despoiled of their services by such machinations and cabinet intrigues, that his, and the noble Earl's head alluded to, be staked on the event. He was called to order by the house, and particularly by Mr. Penton; but he grew more violent, and compared his Majesty's ministers to a knot of midnight conspirators, plotting their country's ruin, and proscribing the lives, fortunes and reputation of every man who was likely to stand in the way of the accomplishment of their deep-laid but weak and nefarious system; a system every way calculated to ruin the nation, to render Parliament shamefully servile and contemptible, and to arm a few chosen instruments with a species of power, no less destructive of the constitution, than of the personal glory and ease of the Sovereign, and the general prosperity and happiness of the people.

Hon. Mr. *St. John* concluded the debate with an eulogium on the public and private virtues of the noble Lord in the blue ribbon; on his great ministerial abilities, contempt of money, indefatigable industry, and disregard of power and worldly honours. Mr. St. John was interrupted from every side

side of the house, by a general call for the question! the question!

At half past one o'clock, the house divided on the previous question moved by the Attorney General; ayes 135, noes 228.

The three following gentlemen were in the minority on this division, who were absent at the time of the divisions on the 3d and 8th of March:

Right hon. William Gerard Hamilton....Wareham
Thomas Lister .....Clitheroe
Hon. T. F. Wenman.....Westbury

As soon as the members returned into the house, another division took place on Mr. Dunning's second motion, ayes 121, noes 218.

March 16.

Hon. *T. Luttrell* moved, "that in a committee the rapid decay of the British fleet should be taken into consideration, and some means thought of for seasoning and preparing the timber in the dock-yards." The necessity of this measure he stated by shewing, that since the appointment of the present first Lord of the Admiralty, there had been most rapid decay; that a very great number of ships, built but a short time ago, were already useless; that upwards of forty ships of war had been lost within the last two years, by the decay of the timber; that a select committee had given it as their opinion, that Parliament should immediately enquire into some better means than were now used; and he informed the house, that the proposal which would be laid before the committee was the result of a long, expensive, and experimental research, and which he hoped would be found adequate to the purpose. The person who had made it had been requested to lay it before the navy-board, which he objected to, but he was willing to lay it before Parliament.

Lord *North* objected to the words, "rapid decay."

Hon. *T. Luttrell* withdrew them, declaring, that the only purpose he had to serve in this matter was the good of his country, and the latter part of the motion tended to that effect.

Lord *Mulgrave* objected to the enquiry altogether; the navy-board was the proper place for such researches; Parliament was very incapable of investigating the matter, as had been proved in the recent instance, when the committee had sat three months, and had come to no resolutions on the subject.

Hon.

Hon. *T. Luttrell* said, he must inform the noble Lord why the proposition could not come before the navy-board. Lord Sandwich had used the gentleman ill, in not having complied with the recommendation of the secretary of state, for providing for him in the line of his profession.

The Speaker objected to Mr. Luttrell's rising so often to speak. Mr. Luttrell contended he was within the rules of usage, justified by daily precedent, and by the chair itself, in so far as the speaker had on a former occasion declared, that, in professional questions, gentlemen might rise to give information more than once.

Mr. *Rigby* rose to order, and in the course of his speech, threw out some oblique hints against the honourable gentleman for making long speeches, and said he did not know for his part what the motion was.

Hon. *T. Luttrell* rose also to order, and concluded his speech with saying, that on this subject the honourable gentleman seemed to be ignorant of every thing, but the infamous and inordinate profits of his own employment.

The *Attorney General* [Mr. Wedderburne] moved to take down the words. The words were taken down, and acknowledged by Mr. Luttrell, and he explained their meaning by saying, not infamous with respect to the gentleman, but infamous for the country to admit at this time of increasing burthens, increasing expences, and increasing the taxation.*

The Attorney General moved, that those words are very unparliamentary, and too indecent to be used. Mr. *Goodricke* seconded the motion, because, as he afterwards said, they seemed to infer that the honourable gentleman spoke from no other principle but from motives of emolument.

A short conversation arose on this question, wherein Mr. Rigby dropped some severe words, and which was put an end to by a speech of the Hon. *J. Luttrell*, who said he would not countenance his honourable relation in any personality which he would condemn in another, was sensible that his brother did not mean any personal attack on the character of a man whom he was sensible he respected, and he thought it would be honourable in his brother to explain himself more fully.

Hon. *T. Luttrell* said that he would before that have risen to explain himself more fully, but for some expressions that had

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* *The nett profits of the employment of pay-master-general were mentioned to be thirty-three thousand pounds a year.*

had fallen from the hon. gentleman, which prevented him. He would be the last man in that house to explain away any assertion he had dared to make, at the same time that he would be as far as any one from permitting an expression of his, conceived in warmth, and spoken obscurely, to hint a reflection for want of an explanation. In this case he could call many gentlemen in the house, to attest for him the opinion he held of the honourable gentleman.

Mr. *Rigby* said, the manner in which Mr. J. Luttrell had interfered, fully satisfied him; he had misconceived his brother; he hoped the honourable gentleman would forgive him for the warmth he had shewn, and he hoped the motion would be withdrawn.

The Attorney General withdrew his motion: and Mr. Luttrell did the same.

March 17.

Mr. *Frederick Montagu* moved, by instruction of the committee of the whole house, to whom it was referred to consider of granting relief to dissenting ministers, teachers, &c. for leave to bring in a bill.

Sir Henry Hoghton seconded the motion.

Mr. *Moysey* rose, not to oppose bringing in a bill of that sort, but, as he should not be in town when such bill was debated, to express some doubts he entertained of the propriety of the measure. He said the conduct of the legislature, from the time of passing the toleration act to the present day, afforded a lesson of great caution and circumspection, as they had ever declined making any alteration in the law upon this subject, though their attention had been often called to it. He observed, that the objects of the proposed bill were persons whose province it was to instruct mankind; that from the first establishment of our national church, the legislature had anxiously laboured to secure all persons of that description in the doctrine and principles of the church of England; that without such foundation the church could not have stood, and the test act never would have passed; that though the objects of the bill were confined to preachers of dissenting congregations, that was in truth to all the world who would come and hear them, any body was a dissenter for the purpose of making an audience; that a preacher and teacher was a public trust, that indulgence to tender consciences, liberty to use their own form of worship, and to abstain from such modes as any men's opinions rejected, were already allowed; that it was difficult to say, how far tests in favour of the established

blished church should be extended, but it was a great deal to expect from any legislature, that it should authorise any order of men to preach against its own church, which would be the effect of this bill; that the late act for the relief of Roman Catholics afforded no argument in favour of this bill, unless it could appear that not only papists but popish priests were actually tolerated; and he inclined strongly to think that though the present form of the several tests might admit of amendment, yet that some sort of test in favour of the church of England ought to be required from those who were professedly to teach the subject of religion, unless we wished to multiply rather than tolerate dissenters.

Sir *William Bagot* moved to put off the bringing in the bill to this day four months.

Sir *R. Newdigate* seconded the motion; the house divided, for the bill 77, against it 6.

March 18.

Mr. *Burke* said he had a petition from several of his Majesty's Roman Catholic subjects of North Britain to present to the house.

Lord *North*, by his Majesty's command, acquainted the house, that his Majesty, having been informed of the contents of the said petition, recommends it to the consideration of the house.

Then the petition was brought up, and read; setting forth, that we, your petitioners, the Roman Catholics residing in the cities of Edinburgh and Glasgow, beg leave, with the most profound respect and deference, to lay before this honourable house the treatment we have lately met with from the fury of a misguided populace, and to implore that redress and protection which we are persuaded this honourable house will think that our wrongs require, and which the known justice and humanity of the British legislature give us ground to expect: We, and the rest of our brethren in Scotland, have, for a long series of years, endeavoured, by our inoffensive and dutiful conduct, to approve ourselves harmless and useful subjects of the British empire; and were ready to embrace, with pleasure, every opportunity of serving our country, though at the expence of our lives and fortunes; encouraged by the spirit of humanity and toleration, which we had reason to believe distinguished an enlightened and liberal age, and having immediately in our view the late relaxation of the penal laws against our fellow subjects the Roman Catholics of England, we ventured to hope that the same indulgence might,

might, at least in some respect, be shewn to us; and we flattered ourselves, that our loyal and submissive behaviour upon that occasion, and our willingness to have our relief postponed when the bill was brought in for the relief of the Roman Catholics of England, did, in some degree, intitle us to it: conscious of the justice of our hopes, and of the innocence of our conduct, we beheld with concern, that the very circumstance of our humility and duty in postponing our relief, instead of reconciling the minds of some mistaken persons to us, was made use of to exasperate the lower people into dispositions of great violence: the public papers were filled with the most virulent and inflammatory advertisements; pamphlets were published and dispersed every where among the populace, representing us in the most unjust and odious colours, as enemies to society, and unworthy of being allowed an existence; invitations were sent throughout all Scotland, encouraging the people to join all their interest and purses to oppose all attempts to allow us the smallest part of the rights of subjects: the consequences of all this were such as might be expected; the common people were every where stirred up to the utmost rage and fury against us, and the public papers were daily filled with resolutions of boroughs, incorporations, societies, parishes, &c. from several parts of Scotland, strenuously to oppose any attempt that might be made in Parliament to do any thing in our favour: we, on our part, considering the spirit which had by such unjustifiable arts been raised against us, and the seditious tendency of many of those means which had been used to inflame the people, and dreading the consequences of their enthusiastic fury, if raised to a certain point, did, of our own accord, chearfully give up every thought of applying to Parliament while that ferment lasted, choosing rather to postpone our own ease to some more quiet time, than to endanger the peace of our country; and this our resolution was, immediately, in the most dutiful manner, signified to the proper officer of state: we hoped that this convincing proof, the greatest that could be given of our submission to government, and our peaceable disposition, if it did not reconcile the people to us, would at least put an end to those animosities which their groundless apprehensions had raised against us; but in this we were greatly mistaken: the enthusiastic fury which had been excited in their minds was got to such a height, that they seemed to be but the more obstinately bent on our destruction; the minds of the populace in Edinburgh and Glasgow continuing

ing irritated against us, and this irritation being kept up by art, a most violent tumult arose; the multitude, notwithstanding the endeavours of the magistrates of both these cities, proceeded to the greatest extremities, plundered our effects, burned and destroyed our houses, insulted our persons, and even threatened the lives of several had they fallen into their hands: we do not wish to exaggerate any part of their disorders, or of our sufferings, or even to expose at large to this honourable house what we wish we could with safety to ourselves bury in eternal oblivion. In these distressing circumstances, to whom can we fly for relief and protection, but to the justice and humanity of Parliament? By the severity of the laws against us we are in a great measure precluded from all legal redress, and on that account inferior courts have it not in their power to help us; it is the legislature alone that can protect us, and it is from their goodness alone that we expect to be protected; but, while we throw ourselves with confidence upon the mercy of Parliament, we beg leave, with the most profound submission, to make the nature of our request fully known to this most respectable body: in the first place, we are far, very far, from entertaining a resentment against any one whatsoever, or from desiring that any person should be called to account, much less should be punished for the injury done to us: we forgive from the bottom of our hearts; and, should any person be taken into custody, or prosecuted upon our account, if we were worthy to be heard, we should presume to petition in the most earnest manner for his pardon: this we declare, not from a consciousness of having done any thing that could deserve the cruel treatment we have met with, our conscience is perfectly clear as to that, our behaviour has been blameless both as subjects and citizens, and we challenge our greatest enemies, even those who have burned our houses and attempted our lives, to prove any breach of duty against us in either respect; but we do it because it is the real disposition of our minds, dictated by reason, and enjoined by our religion: in the second place, we chearfully lay aside all thoughts of asking any relaxation of these severe laws against us at this time: indeed we cannot help thinking it very hard, that we alone should be wholly denied that relief which has been in some degree granted to our brethren in all other parts of his Majesty's dominions: our claim to such relief is no less founded in justice than theirs; but we are sensible that, considering the present flame which is raised against us, it might disturb the peace of our country to insist upon it, and on that account

account alone we abstain, in the present circumstances, from desiring it, protesting alway to this honourable house, and to the world, that our conscience acquits us of any offence, either in opinions or actions, which can render us deserving of those laws of extreme rigour to which we submit; and that we are perfectly ready to give the most effectual proofs which the wisdom of the legislature can suggest, of our fidelity to his Majesty, and attachment to the constitution of our country: but though we abandon wholly our resentments, and even dutifully suspend our petitions for those rights of subjects to which we conceive, in all humility, that we are entitled, the duty of self-preservation will not suffer us to renounce all claim to every sort of protection; nor will the narrowness of our private circumstances, and the justice which several of us owe to our unhappy families, now utterly ruined, permit us to relinquish our humble endeavours for compensation for our heavy losses, from the equity and humanity of the public: had the severe penal laws been regularly put in execution against us, had we been legally tried and condemned to suffer, for serving Almighty God as our conscience dictates, from the profound respect we bear to the laws of our country, we should have borne our hard lots with patience, as we already have often done, without complaint or murmur: but we cannot help thinking it extremely hard to be exposed to the fury of a lawless multitude, without the smallest provocation on our parts, and to be so cruelly and inhumanely treated by them, without any form of trial, without being heard, examined, and legally condemned. What, therefore, we most humbly, and with the most profound submission, venture to request is, that this honourable house, taking our case into consideration, would be graciously pleased, in such a manner as they see fit, to find means of compensation, to persons utterly unable to bear them, for the heavy losses we have so unjustly sustained; and, seeing that we must still be exposed to the same barbarous treatment from the desperate and misguided zeal of the same furious people, if some effectual protection be not given to us, that this honourable house would further be pleased to provide for our future safety, that, until the laws can be coolly reconsidered, our persons and property may have some security from such lawless outrages for the time to come, by taking such measures as they shall judge most adequate to that end. We most humbly beg leave to assure this honourable house, that this our earnest request for protection is not made without the strongest rea-

son; for the same unprovoked enemies, who have hitherto persecuted us in so cruel a manner, far from being satisfied with their late success, have made it a ground for further violence; those who have never threatened us, without executing their menaces, have published and dispersed a sort of manifesto, calling upon all orders of people strictly to enforce the execution of the most sanguinary laws upon us, denying the authority of Parliament to repeal those laws, or any other laws made before the union, threatening the magistrates with the same violence which they have employed against your petitioners, if they do not cause them to be executed, representing those means of banishing and putting to death your petitioners, as their rights and privileges, and proposing associations against buying or selling, borrowing or lending, or having any of the ordinary intercourse of society with those of our religion, and threatening to proceed against all who shall refuse to join them in those measures, as if they were papists; and they have, in their late violent attempts against some of the most respectable characters in the established church of Scotland, shewn how far they are capable of acting against such as discover any degree of moderation in their sentiments: in a word, nothing can be more deplorable, and (without the effectual aid of the legislature) more hopeless, than our condition. We humbly presume that this our request will appear neither disrespectful nor unreasonable to this honourable house, and we hope the justice and humanity of that respectable body, whose favourite and noblest prerogative is to be the protectors of the injured, and the defenders of the rights of that people whom they represent, will be graciously pleased to take us into their protection, who have nothing more at heart than to demean ourselves as dutiful subjects and good citizens, and who, by our loyalty to our prince, and by our innocent and submissive behaviour, will make it our constant endeavour to merit their favour and approbation.

Mr. *Burke* moved that the said petition be referred to the consideration of a committee, and that they do examine the matter thereof, and report the same, as it shall appear to them, to the house. He shewed the absurdity of the arguments used by the Scotch, in justifying their violent conduct, and exposed the supineness of government upon the attacks of the Scotch rioters on the peace and property of his Majesty's Popish subjects, in that part of the empire. He hoped that government was not dead, but only *asleep*. At this moment he looked directly at Lord North, who was asleep, and said, in the scripture

scripture phrase, "Brother Lazareth is not dead, but *sleepeth*." The *laugh*, upon this occasion, was not more loud on one side of the house than on the other. Even the noble Lord alluded to on the occasion, seemed to enjoy the allusion as heartily as the rest of the house, as soon as he was sufficiently awake to understand the cause of the joke.

Lord *Beauchamp* was for granting the request of the petitioners.

Lord *George Gordon* spoke against the expediency of giving toleration to the Roman Catholics of Scotland, equal to that allowed to the same sect in England and Ireland.

Mr. *Fox* said, the Roman Catholics of Scotland were not only entitled to compensation for their losses, but that it became the honour and humanity, as well as the dignity of Parliament, to repeal the penal laws against them, and not be deterred by little insurrections in a small corner of their empire, from doing an act of common justice.

Lord *North* declared, that he thought compensation should be made, and would be most ready, at any time, to give his support to such a measure, if he were not decidedly of opinion that voluntary compensation was infinitely more eligible than that which was compulsory. He had been well informed that due recompence was intended to be made by the magistrates of the districts in which the mischiefs were committed; he thought it prudent to defer any further proceedings in the business, till the result of their measures should be known; he therefore thought it best to move the previous question. The previous question was then put, and carried without a division; after which the petition was ordered to lie upon the table.

Lord *North* acquainted the house, that he had a message from his Majesty to the house, which he presented, and it was read by Mr. Speaker.

GEORGE R.

His Majesty having received information from the Earl of Buckinghamshire, his lieutenant-general and general-governor of his kingdom of Ireland, that the revenues of that kingdom have, of late, proved greatly deficient and inadequate to the purposes for which they were granted; and his Majesty, moved with concern and compassion for the distresses of his loyal and faithful subjects of that kingdom, and being anxious that some immediate and effectual relief should be afforded to them, thinks it necessary to recommend to the consideration of this house, whether it may not be proper, in the present

circumstances of Ireland, that the whole charge of the regiments on the Irish establishment, now serving out of that kingdom, should be paid by Great Britain.

G. R.

Lord *North* moved that his Majesty's message be referred to the consideration of the committee of supply. Agreed to.

Order of the day for going into a committee on the importation of sugars into Ireland.

Sir *George Yonge* objected to the Speaker's leaving the chair, because the bill would produce consequences no less fatal to this country, than the total loss of the colony trade. There were annually, he said, imported into Great Britain 150,000 hogsheads of sugar, valued at 3,759,000l. annually. The whole imports from the West Indies were 4,500,000l. annually, and that the trade employed 500 ships of 100,000 tons burden, and 10,000 seamen. The duties arising from the trade were upwards of 400,000l. a year, and this great sum, he said, we were dashing away by the present bill; he objected to it, and therefore would vote against the Speaker's leaving the chair.

Mr. *Sawbridge* was against all monopolies of trade, and commercial interdictions; he declared there was trade enough for every nation on earth, if all impolitic restrictions were repealed; and asserted that no nation, nor corporate body, nor individual, had a right to deprive another of the benefits of manufactures, trade, and commerce.

Mr. *Burke* declared, that, if the mover of the bill meant to modify it in any degree, he would give his vote against going into a committee, for he would not enter into any composition; it was for the interest of Great Britain to throw open even the woolen trade to Ireland; and if it was not done now voluntarily, the French would soon oblige us to do it.

General *Conway* and Sir *Cecil Wray* wished for a full enquiry into the distresses of Ireland, and a mature deliberation on the means of applying general relief.

Sir *William Meredith* maintained, that the duties on the importation of sugars, being mortgaged as a security for funds long since borrowed, Parliament could not make any alteration, such as this bill proposed, without the consent of the public creditors; it would be a manifest fraud. The planters in the West Indies have laid out great sums to improve their

sugar estates; their agents and partners are the merchants of Great Britain, who may have advanced them considerable sums; and their property must be greatly injured by opening the importation to Ireland; therefore their consent should have been obtained.

The house divided on the question for leaving the chair; for it 58, against it 62; adjourned to the 22d.

March 22.

Sir *Philip Jennings Clerke* observed, that the extraordinaries of the army amounted, according to the estimate then on the table, to the immense sum of upwards of two millions, which was one million more than they had ever cost in any preceding year of the last or present war, although in the year 1777 there was another army to maintain. Sir Philip stated the matter to call for the most serious consideration of the house; and it was impossible for any number of gentlemen to peruse the paper on the table with proper attention, he presumed, if only that single copy lay before the house; not half the members would know any thing about a matter of so much importance, when the house proceeded to debate upon it the ensuing Wednesday. He contended that the matter concerned the public at large, those without doors as well as those within, and therefore he moved that the account of the extraordinaries of the army be printed for the use of the members.

Lord *North* opposed the motion, as a matter totally unprecedented and new. He said it was a strange motion, and so contrary to the practice of the house, and opposite to every thing to be found on the journals, that he could not by any means agree to it. The honourable gentleman had said the estimate was a matter which concerned the public: it was very true it did, but he could never allow that if by the public the honourable gentleman meant the populace, the readers of newspapers, and coffee-house readers, that they had a right to see it. The real public, the representatives of the Commons of England, the members of that house, he owned had, but he declared he never would give up the point, that people without doors had any right to see it before it appeared on the journals of the house. He stated also that the honourable gentleman was wrong in his assertion, that the extraordinaries in the present account amounted to more than ever the extraordinaries of the army amounted to in any years of the last war; he believed there were years in which they amounted to more.

Colonel *Barré* supported Sir Philip Jennings, and declared that the enormous account of the extraordinaries of the army for the year 1778 was a most alarming circumstance, and did as materially concern those without the house, as those persons who had a seat in Parliament. The noble Lord had thought proper to call the people of England the populace, coffee-house readers—in a word, any thing but the mob, which was the term, he doubted not, the noble Lord meant to have used. He begged the noble Lord to consider, that those people, so termed coffee-house readers, were the identical persons who paid for the extraordinaries of the army, and that therefore they were at least entitled to know how their money was expended. The colonel said that the extraordinaries of the year 1778 amounted to very near 40l. a man throughout the army, and that such an enormous expence was incurred in a year remarkable for its ill success; a year in which nothing had been done, and in which this country had fewer soldiers to maintain in America than she ever had before. The noble Lord had said that the expence of the extraordinaries of the army had been larger in the course of the late war; he begged to know in what year?

Lord *North* said, that not expecting any such motion, he had not come to the house prepared as to the years, but as well as his memory would serve him on a sudden, he should suppose the year 1761 or 1762. His Lordship mentioned the vast distance of the field of action from this country, and that he was under the necessity of answering the drafts upon him when they came, as a degree of confidence must be placed by government in those who are entrusted with the care of the army. He said he could not answer for the specific application of the extraordinaries, but he did not at all doubt they were properly applied. He again objected to printing the estimates, but acknowledged that Parliament had a right to know how the public money was expended.

Colonel *Barré* urged the impossibility for gentlemen to investigate the account of the extraordinaries properly from the paper on the table; that the account itself was written on thirty-six sheets of paper, and that its contents were extremely puzzling, and extremely intricate. He mentioned that he had himself, as he interested himself more in matters respecting the army than most gentlemen, come down to the house on Saturday last (the 20th), with a view to obtain a perusal of the paper in question, in order to examine it; that he could not get a sight of it, the clerks being at that time employed in *making four* copies of it for the war-office. That he had, he be-

believed, paid it more attention than the whole treasury put together, but that he had not yet got through it. He therefore again concluded that it ought to be printed, and that the motion could not be objected to on the ground of its tending to any mischievous consequences.

Lord *Newhaven* said, that it was the constant parliamentary practice in Ireland, in all matters of estimate and account, to print the accounts in question, and when the business came under Parliamentary debate, for each gentleman to hold the printed paper in his hand, and check it article by article, as it was examined.

The *Secretary at War* and Lord *Beauchamp* said a few words against the motion, and regarding the amount of the sum expended last year more upon the extraordinaries of the army than the year before.

Colonel *Barré* took up the Secretary at war respecting a mistake he had made of 200,000l. in his declaration of the difference of the extraordinaries of the army in the years 1777 and 1778, observing, that if the honourable gentleman had erred so grossly in every transaction of his office, since he had been in it, the public were likely to be considerable sufferers by him.

Mr. *Fox* said, the only reason which he had heard assigned in argument, why the motion ought not to be acceded to, was, that the requisition contained in the motion was new and unprecedented. Did the noble Lord recollect that the war itself was new and unprecedented in its nature, new and unprecedented in its conduct, and new and unprecedented in its consequences, as far as they had yet appeared? Did the noble Lord also recollect that his whole conduct in office, and that of his colleagues, had been new and unprecedented? Did he not see that the means of putting an end to the war must also be new and unprecedented? That it must be by some new and unprecedented exertion; a degree of vigour and spirit altogether new and unprecedented, that we could alone hope to extricate ourselves from our present alarming situation? Were these times to talk about precedent when every day's experience shewed the necessity of our giving up idle forms, of our adopting new measures, and pursuing a line of conduct altogether unprecedented? The noble Lord refused agreeing to the present motion, because the populace and the coffee-house readers, for so the noble Lord had termed the whole body of the people of England, ought not in the noble Lord's opinion to know any thing about the immense amount of the extraordinaries of the army in the year 1778,

a year in which we had a less army than before, and a year in which it was notorious we had done less than in any year since the commencement of the American war. The people of England, as well as those who had a seat in that house, had a material interest in the motion. They had a right to more information respecting the expence of the army; they had a right to more information respecting the conduct of the war; they had a right to more information respecting the management of their affairs! It was impossible for them ever to have their affairs better managed, unless inquiries into the past conduct of ministers were fairly and fully gone into. This was the period to begin those enquiries; but as they could not be prosecuted without information, that information ought to be granted, and ministers, if they had any sense of shame, should blush at their repeatedly shutting up the avenues to enquiry, and keeping the public in a state of blindness, as to their own business, and what most immediately concerned their nearest and dearest interests.

The Speaker put the question, and the house divided; for the motion 104, against it 130.

[The following is an authentic copy of the extraordinaries of the army, mentioned in the preceding debate.]

An Account of Extraordinary Services incurred and paid by the Right Honourable Richard Rigby, Paymaster General of his Majesty's Forces, between the 31st of January 1778 and the 1st of February 1779, and not provided for by Parliament.

Date of warants. 1778.	£.	s.	d.
Nov. 5. To T. Harley and H. Drummond, Esqrs. in full of a warrant for 104570l. 5s. 7d. to be by them applied and invested in the purchasing Spanish and Portugal coins for the use and service of his Majesty's forces serving in North America -	66920	12	0
Nov. 18. To do. for do. service -	39974	9	1½
Dec. 21. To do. for do. service -	111306	19	11
Dec. 21. To do. for do. service -	50000	0	0
Dec. 28. To do. for do. service -	100000	0	0
1779.			
Jan. 4. To do. for do. service -	86690	11	2
To do. for do. service - -	80808	15	5
	535701	7	7½

April

1778.	£.	s.	d.
Apr. 17. To Sir W. James, Bt. A. Smith, W. Baynes and R. Atkinson, Esqrs. for provisions delivered into his Majesty's stores at Corke, for the use of the forces serving in North America - -	3250	15	7¼
April 30. To do. upon account -	30000	0	0
Dec. 4. To do. for provisions at Quebec -	13709	17	6
Dec. 9. To do. for do. delivered into the store-houses at Montreal and Quebec, for the use of the forces serving in Canada -	52056	16	4
Dec. 21. Do. for provisions in store at Corke	13381	0	0
Mar. 11. To J. Henniker, W. Mills, W. Devaynes, and G. Wombwell, Esqrs. on account of their execution of the contract for delivering provisions at Corke for the use of the forces serving in America -	10517	5	6
May 2. Do. for do. service - -	9904	8	6
May 15. Mess. Wombwell, Henniker and Devaynes, upon account - -	12000	0	0
June 18. Do. for provisions in store at Corke	15647	16	10
June 24. Do. for do. service -	8154	10	0
Do. for do. service -	12816	2	6
July 8. Do. for do. service -	5534	14	4
Aug. 20. Do. for do. service - -	10844	17	4
Dec. 4. To Sir G. Wombwell, bart. J. Henniker and W. Devaynes, Esqrs. upon account -	13700	0	0
Do. for provisions in store at Corke -	5507	6	10
Do. for do. service - -	4661	8	4
Do. for do. service - -	2503	5	10
Dec. 17. Do. for do. service - -	6485	13	1
Dec. 21. Do. for do. service - -	4554	11	0
June 19. To J. Amyand, Esq. for provisions in store at Corke, for the use of the forces serving in North America - -	2499	2	4
June 24. Do. for do. service - -	1078	17	0
Mar. 16. To J. Durand, Esq. on account of his contract for delivering provisions into his Majesty's stores at Corke, for the use of the forces serving in North America -	2000	0	0
May 2. Do. for provisions in store at Corke	966	6	2
May 15. Do. upon account - -	6000	0	0
July 19. Do. for provisions in store at Corke	1138	3	1
July 30. Do. for do service - -	2298	10	9

1778.	£.	s.	d.
Sept. 10. Do. for do. service	7821	8	6
Do. for do. service	6277	18	1
Dec. 4. Do. upon account	7275	0	0
Do. for provisions in store at Corke			
Do. for do. service	5288	6	0
May 2. To R. Mayne, Esq. for provisions delivered into his Majesty's stores at Corke, for the use of the forces serving under General Howe, in America	857	7	2
May 15. Do. upon account	6000	0	0
June 19. Do. for provisions in store at Corke	9338	12	5
July 30. Do for do. service	5127	13	8
Aug. 20. Do. for do. service	5620	9	0
Dec. 4. Do. upon account	7275	0	0
Do. for provisions delivered in store at Corke	6334	9	4
May 2. A. Bacon, Esq. for provisions delivered into store-houses at Corke, for the use of the forces serving under General Howe, in America	666	6	2
May 15. Do. upon account	6000	0	0
July 17. Do. for provisions in store at Corke	7921	8	6
July 19. To A. Bacon, Esq. for provisions delivered into store-houses at Corke, for the use of the forces serving under General Howe, in America	1371	11	3
July 30. To do. for do. service	3085	4	4
Sept. 10. To do. for do. service	5189	13	7
Sep. 18. To do. for do. service	7837	11	6
Dec. 4. To do. upon account	7350	0	0
Dec. 9. To do. for provisions in store at Corke	4763	15	11
March 23. To A. Nesbitt Drummond and Moses Franks, Esqrs. on account of provisions delivered in store at Corke	3938	17	5
May 15. To do. upon account	12000	0	0
May 20. To do. for provisions in store at Corke	4782	17	11
June 18. To do. for do. service	27457	12	0
July 1. To do. for do. service	1137	17	0
July 17. To do. for do. service	2048	2	0
July 30. To do. for do. service	12689	10	8
August 20. To do. for do. service	5838	0	0
Sept. 10. To do. for do. service	12646	19	4
Dec. 4. To do. upon account	13700	0	0
To do. for provisions in store at Corke	5784	9	0
To do. for do. service	636	2	9

1778.	£.	s.	d.
Dec. 18. To do. for do. service	8916	6	2
Dec. 21. To do. for do. service	6365	2	0
March 4. To do. in part, for victualling some of the forces in North America, being prisoners amongst the rebels in the province of Pensylvania and Virginia, from 26th March 1776 to 4th November 1777	10000	0	0
March 23. To do. in full for do. service, from do. to do	1261	16	9
Sept. 10. Do. upon account for victualling part of the forces being prisoners amongst the rebels in the province of Pensylvania, Maryland and Virginia, between 5th January 1777 and 24th April 1778	8000	0	0
March 16. To Richard Vernon Sadleir, Esq. for provisions issued to the forces at Halifax and Nova Scotia, between 16th September and 13th October 1777	498	7	4
April 10. Do. for provisions issued at do. between 11th November 1777 and 5th January 1778 inclusive	984	19	8
June 18. To Richard Vernon Sadleir, Esq. for provissions issued to the forces at Halifax and in Nova Scotia, between 6th January and 2d March 1778	980	10	7
July 21. To ditto for provisions issued to the forces at Halifax and adjacent commands, commencing 24th June and ending 21st July 1777, and also the 3d March, and 27th April 1778 inclusive	1437	2	11
Dec. 9. To do. for provisions issued to the forces in Halifax and Nova Scotia, between 28th April and 17th Aug. 1778, inclusive	136	2	0
March 8. To J. Stephenson, Esq. for provisions issued in the garrison of Placentia in Newfoundland, between 1st Oct. 1776 and 30th September 1777	181	0	8
To do. for provisions issued to the troops at Halifax, between 16th July and 9th Sep. 1777	3266	9	6
March 18. To do. for provisions issued at Halifax and adjacent commands, between 8th Oct. and 24th Nov. 1777 inclusive, and			

for

1778.	£.	s.	d.
for provisions issued in the garrison at St. John's Newfoundland, between 30th Sept. and 25th November 1777 - -	2215	19	4
To do. for do. issued to the troops at Halifax, between 25th November and 30th December 1777 - -	3693	9	
May 2. To do. for do. issued to the troops at Fort-Cumberland at Halifax, between 24th July 1777 and 26th December following	574	5	10¼
June 9. To do. for do. issued to the troops at Halifax, between 31st December 1777 and 24th February 1778, both inclusive -	2777	18	1
June 24. To do. for do. issued to the troops at do. to 24th March 1778, and for do. delivered at Placentia, between 20th September 1776 and 25th March following -	220	16	3
July 21. To do. for do. issued to the troops at Halifax and adjacent commands in Nova Scotia, commencing 18th June 1777 and ending 21st April 1778 inclusive -	3785	17	5
July 30. To J. Stephenson and J. Blackburn, Esqrs. by way of advance upon their contract for victualling Nova Scotia -	17500	0	0
December 4. To do. for provisions issued to the troops at Halifax and adjacent commands in Nova Scotia, between 20th December 1777 and 8th Sept. 1778 inclusive	11347	0	0
Dec. 4. To John Stephenson and John Blackburn, Esqrs. for provisions issued to the forces at St. John's, Newfoundland, commencing 12th August and ending 30th September 1777 inclusive -	671	18	9
Dec. 9. Do. issued at Placentia and St. John's Newfoundland, between 7th Aug. 1778 and 28th Oct. following, also for a quantity of flour condemned at Placentia, having remained in store upwards of six months	583	6	0
Dec. 21. Do. upon account -	10000	0	0
March 18. To J. Stephenson and J. Blackburn, Esqrs. for provisions issued to the forces in West-Florida, between 24th Feb. and 24th April 1777, and for provisions damaged and condemned at Mobile -	1321	7	6

1778.	£.	s.	d.
Do. for victualling the forces in do. between 25th April and 24th June 1777 - -	1236	18	0
Do. for victualling the forces in do. between 25th June and 24th August 1777 - -	1268	11	2
Do. for victualling the forces in do. between 25th August and 24th October 1777 -	1477	11	0
May 2. Do. for a loss sustained by issuing the article of butter at Pensacola, between 25th June 1775, and 24th June 1777, for victualling the civil branch of ordnance, between 1st April and 30th Sept. 1777, and for provisions condemned at Pensacola in September	892	9	0
July 30. Do. for provisions issued to the forces at Pensacola, between 25th December 1776 and 31st December 1777 - - -	1696	14	7
August 7. Ditto on account - - -	2625	0	0
Do. to complete their advance - -	2625	0	0
Do. for provisions issued to Elias Durnford and five men belonging to his boat, and artificers victualled under his direction, between 1st June 1776 and 13th August 1777, for provisions issued to the forces in West-Florida, between 25th December 1777 and 23d February 1778, and for provisions condemned by long keeping - - - -	2131	12	5
Feb. 25. To Kender Mason, Esq. surviving contractor for victualling the forces in East-Florida upon account - - -	1815	6	8
March 4. Do. upon account - -	2000	0	0
May 11. To Kender Mason, Esq. for provisions issued to the forces in the garrison of St. Augustine to the 24th of June 1777; for provisions issued to the said forces from the 24th of August to the 24th December 1777; for provisions issued to the out posts dependent on the said garrison, between said time, and for four days supply due as per report of the 6th of December 1777 - -	5538	0	10
June 3. To do. for provisions issued to the forces in the garrison of St. Augustine, between the 25th Dec. 1777 and the 23d of Feb. 1778; for provisions issued to the out posts, dependent on the said garrison, be-			

tween

1778:	£.	s.	d.
tween the said time, and for the provisions furnished for three days beyond the 20th of Feb. 1778, the time of expiration of contract	2174	12	6¼
July 30. To do. upon account - -	15000	0	0
1779.			
Jan. 4. To do. for expences in landing provisions at St. Augustine in Sept. 1778 -	147	8	6
1778.			
March 16. To J. Durand, Esq. on account of his contract for victualling the ceded islands	13000	0	0
Do. for two years allowance for freight of provisions to the ceded islands - -	2000	0	0
June 19. Do. in part of 7807l. 2s. 2d. for victualling the ceded islands between the 1st of Oct. 1777 and 10th January 1778 -	7000	0	0
Do. in part of 1079l. 15s. 8d. for do. service	1000	0	0
Dec. 4. Do. for two years freight of provisions in the ceded islands, to the 1st Oct. 1778	1000	0	0
	628609	19	8¼

Towards the expences of provisions delivered to the forces serving in N. America, Nova Scotia & Newfoundl. &c. apply the sum voted upon estimate 1778 for that service -	66817	16	3			
Towards the expences of provisions delivered to the forces serving in the ceded islands, apply the sum voted upon do. -	17684	5	0			
Towards the expence of provisions delivered to the foreign troops serving in N. America, apply the sum voted upon do.	47160	13	3			
Also, the sum stopped for provisions delivered to the said forces between the 25th of June 1777 & the 24th of June 1778 -	155952	1	4¼			
				287614	15	10¼
				340995	3	10

1778.	£.	s.	d.
Feb. 5. To Messrs. Mure, son & Atkinson, for the 5th payment of freight to sundry ships employed in carrying provisions and stores to America, for the use of the forces there -	3402	15	9
To do. for the 6th payment of do. to do. -	1494	11	9
To do. for the 7th payment of do. to do. -	1162	3	6
To do. for the final payment of do. to. do. -	11371	9	2
Feb. 26. To do. for the final payment of do. to do.	3903	0	10
March 6. To do. for the 4th payment of freight to sundry provision transports - -	4786	1	4
To do. for the 5th payment of do. to do. -	3308	18	0
To do. for the 6th payment of do. to do. -	1469	4	3
To do. for the final payment of do. to do. -	9154	16	0
March 23. To do. for do. service - -	7781	16	1
April 2. To do. for the 4th payment of do. to do.	1531	7	7
To do. for the 6th payment of do. to do. -	3991	9	9
To do. for the 7th payment of do. to do. -	1357	11	3
To do for the final payment of do. to do. -	1596	14	5
April 15. To do. for do. service - -	3256	1	3
To Messrs. Dunlop and Wilson for the freight of the sloop Fincastle, employed in Virginia from the 30th of July 1776 to the 14th of June 1777 - - -	597	7	0
April 30. To Messrs. Mure, son and Atkinson, for the 6th payment of freight to sundry ships employed in carrying provisions and stores to America, for the use of the forces there	11470	15	4
To do. for the 7th payment of do. to do. -	2403	0	3
May 21. To do. for the final payment of do. to do.	4916	11	1
May 28. To do. for three months advanced freight to sundry victuallers and store ships	40167	7	1
June 13. To do. for the 6th payment of freight to sundry ships employed in carrying provisions and stores to America, for the use of the forces there - - - -	2585	14	3
To do. for the 7th payment of do. to do. -	1125	7	7
To do. for the 8th payment of do. to do. -	456	15	0
To do. for the final payment of do. to do. -	16732	5	8
June 25. To do. for do. service - -	16189	9	0
July 8. To do. for the 5th payment of do to do.	4386	1	4
To do. for the 6th payment of do. to do. -	1901	17	1
To do. for the 7th payment of do. to do. -	1283	19	6
To do. for the final payment of do. to do. -	7168	5	4

To do. for two months advanced freight to sundry ships employed in carrying oats to N. America, for the service of the army there	4344	12	1
Aug. 7. To Messrs. Mure, son and Atkinson, for two months advance freight to sundry ships employed in carrying stores and provisions to North America, for the service of the army there - - - -	2154	12	10
Do. for the 5th payment of freight to sundry provision transports - - -	1531	7	7
Do. for the 7th payment of do. to do. -	3048	16	1
Do. for the 8th payment of do. to do. -	833	11	4
Aug. 31. Do. for two months advanced freight to sundry provision transports employed in carrying provisions and oats to America	1780	14	4
Do. for the final payment of freight to sundry do. employed in do. service - -	4088	19	3
Sep. 2. Do. for the 7th payment of freight to sundry provision transports - -	6196	11	6
Do. for the 8th payment of do. to do. -	2403	0	3
Sep. 10. Do. for two months advanced freight to sundry do. employed in carrying provisions and oats to America - -	5774	10	9
Oct. 21. Do. for do. service - - -	2627	4	6
Do. for the 7th payment of do. to do. -	1875	4	3
Do. for the 8th payment of do. to do. -	1125	7	7
Do. for the 9th payment of do. to do. -	456	15	0
Nov. 5. Do for the 6th payment of do. to do.	4386	1	4
Do. for the 7th payment of do. to do. -	1901	17	1
Do. for the 8th payment of do. to do. -	1283	19	6
Nov. 18. Do. for advanced freight to sundry ships	4507	16	4
Do. for the final payment of freight to the ship Prince of Wales - - -	1172	12	11
Dec. 18. Do. for two months advanced freight to sundry ships - - - -	1554	3	4
Do. for the 6th payment of freight to sundry do.	1531	7	7
Do. for the 8th payment of do. to do. -	3048	16	1
Do. for the 9th payment of do. to do. -	833	11	4
Do. for the final payment of do. to do. -	11652	3	9
1777.			
Jan. 12. Do. for freight of sundry do. -	4561	3	1
Do. for do. - - - -	1518	13	10
	246,746	9	11

July

	£.	s.	d.
1778.			
July 24. To Messrs. Mure, son and Atkinson, for the armament of transports employed in carrying provisions to America, and for provisions and accommodations on bd. them	8635	16	8
Aug. 7. Do. for do. service - -	2359	12	6
Do. for do. service - - -	1345	4	0
Oct. 21. Do. for do. service - -	9958	5	10
Do. for do. service - - -	7797	12	7
1779.			
Jan. 12. Do. for do. service - -	10999	1	3
	41095	12	10
1778.			
Feb. 26. To Messrs. Mure, son and Atkinson, for the value of sundry ships taken in conveying provisions to America - -	6906	17	6
April 28. To Peter Perchard, merchant, for the hire of the snow Friends at Quebec, from 20th June 1777 to 7th Oct. following	408	9	8
May 15. To R. Littleworth, for the detention of the ship Gen. Thomas, from 11th Nov. 1775 to 14th May 1776 - -	460	4	8
June 5. To W. Grichie, for expences of the Lady William schooner, employed in South Carolina in the year 1775 - -	794	18	7
June 13. To John Ingram, merchant, for John Goodrick and co. for the hire of the Fanny schooner, in Virginia, from 22d Dec. 1775 to 30th May 1776, and for the hire of the sloop Lord Howe in do. from 13th Feb. 1776 to 16th April following - -	405	7	10
To do. for the value of the Fanny schooner, taken by the rebels in Virginia, on 30th May 1776 - - - -	780	0	0
June 25. To Messrs. Mure, son and Atkinson, for the value of the ship Elizabeth, taken by the rebels - - - -	2490	2	8
July 2. To Messrs. A. Lopez Fernandez & co. for the hire of the brigantine Rebecca, from 2d Jan. 1776 to 4th August following -	138	7	7
To Messrs. Robinson and Bowman, for the hire and value of the sloops Betsy and Liberty, employed in Virginia -	977	12	1

1778.	£.	s.	d.
July 8. To Messrs. Gervaice and Sebatier, for the detention of the brigantine Lovely Kitty at Quebec, from 30th Nov. 1775 to 14th May 1776 - - - -	407	17	3
July 31. To Messrs. Allen, Marlar and co. in full for the hire of the ship Lord Dunlace, employed in Virginia, from 12th May 1776 to 7th Nov. following - -	252	4	8
Aug. 7. To Messrs. Mure, son and Atkinson, for the value of the ship Mary and Francis, which was burnt by a rebel privateer on the coast of Nova Scotia - -	3034	4	10
To Henry Gouch, for the value of the brigantine John and Elizabeth, destroyed by the rebels at the siege of Quebec, in the month of Dec. 1775 - - -	800	0	0
Aug. 13. To Messrs. John Metteux and co. for the use of H. M'Aliston and J. Robertson, for the hire of the sloop John, employed and burnt in Virginia on 16th May 1776	265	0	0
Nov. 5. To Messrs. Mure, son and Atkinson, for the value of the ship North Star, employed in carrying oats to N. America, which has been taken by the rebels -	1015	0	0
Nov. 18. To do. for value of the ship Nancy, taken by do. whilst employed in do. service	1522	10	0
To T. Burfoot, Esq. for nine days detention of the ship Hellespont at New York - -	54	0	0
	20712	17	4
May 28. To J. Nutt, merchant, for 18 barrels of rice, taken or destroyed at Savanna in Georgia - - - -	89	13	8
June 13. To Messrs. Mure, son and Atkinson, for the time and maintenance of extra seamen put on board sundry ships, employed in carrying provisions and stores for the use of the forces in N. America - -	4279	10	3
June 25. To do. for do service - -	5320	4	10
July 8. To do. for do. service - -	1499	10	4

July

	£.	s.	d.
1778.			
July 24. To do. for do. service -	3958	0	11
Aug. 7. To do. for do. service - -	4624	11	10
Aug. 31. To do. for do. service -	2529	11	7
Oct. 21. To do. for do. service -	2420	19	6
Nov. 5. To do. for do. service - -	2838	14	2
Nov. 30. To do. for do. service -	5678	0	2
Dec. 18. Do. for do. service - -	3703	0	6
1779.			
Jan. 12. Do. for do. service - -	6343	7	3
	43195	11	4
1778.			
Feb. 19. To Messrs. Mure, son and Atkinson, for a quantity of rum delivered in America	60000	0	0
June 24. To John Blackburn, Esq. for 10129 gallons of Antigua rum, for the use of the forces in do. - - - - -	1519	7	0
Sept. 28. To Messrs. Mure, son and Atkinson, in part of payment for 233434 gallons of rum delivered for the use of the forces in do.	41500	0	0
	103019	7	0
Mar. 27. To A. Nesbit, A. Drummond and M. Franks, Esq. in discharge of a balance due to them for oats and split peas shipped for Boston for the use of the army in America -	1926	17	6
Mar. 31. To A. Bacon, Esq. for sundry cargoes of coals shipped for North America for the use of the forces there - - -	3844	17	8
April 15. To Thomas Harley, Esq. for blankets and watch-coats provided for the service of the forces in North America -	9662	12	3
April 30. To J. Trotter, Esq. for hospital bedding and divers utensils for the forces at New-York - - - - -	5254	8	10
May 11. Do. for do. for the use of the hospital at Halifax - - -	1322	11	0
To Edward Lewis, Esq. for a balance due to him for remitting money to the forces in West Florida, from 25th Aug. 1775, to 24th Dec. 1777 - - - - -	764	8	0
May 21. To Messrs. Mure, son and Atkinson,			

 merchants,

1778.	£.	s.	d.
merchants, for damages and costs recovered against them for demurrage of the ship Earl of Suffolk - -	2627	7	1
May 21. To Messrs. Adair and Bullock, to be paid over to the wives or attornies of sundry artificers employed in Canada for 3 months from 10th March last -	104	15	6
May 28. To A. Bacon, Esq. for coals sent to America for the service of the troops there	5103	5	3
To do. for do. service - -	2888	19	3
June 13. To do. for do. service -	1155	12	10
To do. for do. service - - -	745	0	0
June 3. To Messrs. Adair and Bullock, to be paid over to the wives or attornies of sundry artificers employed in Canada for 3 months, from 10th June 1778 -	104	15	6
June 25. To A. Bacon, Esq. for coals sent to America for the use of the troops there	3965	10	10
July 8. To Messrs. Mure, son and Atkinson, for vinegar sent to America for the use of the troops there - - -	2099	0	1
July 23. To Sir H. Clinton, for an equipage, as commander in chief in America	1000	0	0
July 24. To A. Bacon, Esq. for coals sent to America for the use of the troops there	559	18	0
To J. Graham, Esq. for so much advanced by him for pay and subsistence of a troop of rangers in the province of Georgia in the year 1775 - -	579	18	9
Aug. 31. To R. Gilmour, for the value of a printing-press taken for the service of government at New-York -	647	3	10½
To Messrs. Mure, son & Atkinson, for oats sent to America for the use of the forces	7925	5	0
Sept. 2. Do for do. service -	9406	4	6
Oct. 21. Do. for do. service -	13871	11	8
Oct. 9. To Francis Legge, Esq. governor of Nova Scotia, to re-imburse him sundry expences incurred in that province -	284	3	7
Oct. 21. To Messrs. Mure, son and Atkinson, for cannon and stores shiped for Corke, to be employed in completing the armament of victuallers there - -	2855	11	6

1778.	£.	s.	d.
Oct. 27. To A. Bacon, Esq. for coals sent to America for the troops there -	805	16	0
Dec. 24. To Sir Guy Carleton for an equipage, as major-general in Canada -	500	0	0
Dec. 31. To Col. H. Gordon, for balance of his account as engineer in North America	977	0	4
1779.			
Jan. 7. To R. Adair, Esq. being the balance of his contingent disbursements for the sick of the army in North America to June 1777	113	14	7
Jan. 12. To Messrs. Mure, son and Atkinson, for oats sent to America for the forces there	3896	4	9
Do. for candles sent to do. - -	1737	12	4
Do. for gun-powder, shot and stores shipped for Canada, to be there applied for the armament of ships - - -	1485	4	9
	88915	11	2½
1778.			
Apr. 15. To W. Knox, Esq. for providing presents for Indians bordering on the colonies in North America - - - -	14167	0	4
Aug. 31. Do. for do. service - -	6975	0	0
Dec. 9. Do. for do. service - -	4766	5	2
	25908	5	6
Mar. 31. To the Landgrave of Hesse Cassel, for levy-money for 1067 recruits furnished by him in the year 1777 - -	3702	8	1½
To the Hereditary Prince of Hesse Cassel, in full for ditto for 101 recruits furnished by him do. year - - -	229	1	10
June 5. Do. to complete levy-money for 63 additional chasseurs in the year 1777	474	10	3
July 24. To the Prince of Waldeck, for levy-money for 88 recruits to the regiment of Waldeck in the year 1777 - -	635	5	0
Do. for do. for 139 do. to do. in the year 1778	1003	8	1½
To the Landgrave of Hesse Cassel, for levy-money for 270 recruits for his troops	1949	1	3
To the Hereditary Prince of Hesse Cassel, for do. for 224 do. for the Hanau troops	1617	0	0
	9610	14	7

1778.	£.	s.	d.	£.	s.	d.
Feb. 9. To bills of exchange drawn by Sir Guy Carleton for public services -	8441	5	0			
June 25. Do. for do. service .	175	0	0			
Oct. 12. Do. for do. service	10300	0	0			
				18916	5	0
Oct. 12. To bills of exchange drawn by Fred. Haldimand, Esq. for public services	11000	0	0			
1779.						
Jan. 18. Do. for do. service	241	1	11			
1778.				1241	1	11
June 25. To bills of exchange drawn by P. Calbeck, Esq. for public services -	2740	10	0			
1779.						
Jan. 18. Do. for do. service	400	0	0			
1778.				3140	10	0
Oct. 12. To bills of exchange drawn by Patrick Tonyn, Esq. for public services	3000	0	0			
1779.						
Jan. 18. Do. for do. service	8523	8	7			
1778.				11523	8	7
Feb. 9. To bills of exchange drawn by W. Tryon, Esq. for public services	3000	0	0			
June 25. Do. for do. service	3000	0	0			
Oct. 12. Do. for do. service	1000	0	0			
1779.						
Jan. 18. Do. for do. service	1500	0	0			
1778.				8500	0	0
Feb. 9. To bills of exchange drawn by R. Gordon, Esq. for public services	2000	0	0			
June 25. Do. for do. service	5000	0	0			
Oct. 12, Do. for do. service	3000	0	0			
1779.						
Jan. 18. Do. for do. service	4000	0	0			
1778.				1400	0	0
Feb. 9. To bills of exchange drawn by W. Fawcitt, Esq. for public services -	500	0	0			
June 25. Do. for do. service	7346	12	0			
				7846	12	0

1778.	£.	s.	d.	£.	s.	d.
Feb. 9. To bills of exchange drawn by Andrew Rainsford, Esq. for public services	679	4	0			
Oct. 12. Do. for do. service	100	0	0			
1779.						
Jan. 18. Do. for do. service	663	10	5			
1778.				1442	14	5
Feb. 9. To bills of exchange drawn by John Stewart, Esq. for public services	15974	14	10			
June 25. Do. for do. service	17114	11	7¼			
Oct. 12. Do. for do. service	12070	18	5			
1779.						
Jan. 18. Do. for do service	18076	3	4			
1778.				63306	8	2¼
Feb. 9. To bills of exchange drawn by Josiah Martin, Esq. for public services	1007	7	0½			
Oct. 12. Do. for do. service	1200	0	0			
1779.						
Jan. 18. Do. for do. service	700	0	0			
1778.				2907	7	0½
Feb. 9. To bills of exchange drawn by Peter Chester, Esq. for public services	250	0	0			
June 25. Do. for do. service	1722	7	3			
Oct. 12. Do. for do. service	1949	18	0			
1779.						
Jan. 18. Do. for do. service	1250	0	0			
1778.				5172	5	3
Oct. 12. To a bill of exchange drawn by Mountford Brown, Esq. for public services				650	0	0
1778.						
Mar. 31. To Ld. Wm. Campbell, to enable him to pay bills of exchange drawn by St. Augustine for public services	290	10	4			
May 21. Do. for do. service	234	8	3			
June 13. Do. for do. service	406	2	6			
July 24. Do. for do. service	1176	2	6			
1779.						
Jan. 27. To Geo. Ramus, gent. to pay bills of exchange drawn						

	£.	s.	d.	£.	s.	d.
on the late Lord William Campbell -	566	6	0			
1778.				2673	9	7
July 8. To Capt. Scott and Messrs. Clacke, to satisfy bills of exchange drawn by Gen. Murray for public services at Minorca				2528	0	3
Aug. 5. To Robert Knox, Esq. to pay bills of exchange drawn on him for the subsistence of a corps of rangers in the province of East Florida				2365	5	0
Do. to pay do. drawn for the support of refugees in the said province				1197	0	0
				14741	0	7½
Feb. 26. To bills of exchange drawn by General Elliot, governor of Gibraltar, for public services there -				1769	18	7
Aug. 12. Do. for do. service -				1311	8	3
				3081	6	10
Feb. 9. To bills of exchange drawn by Lord Macartney for public services	2000	0	0			
June 25. Do. for do. service	2850	0	0			
Oct. 12. Do. for do. service	2900	0	0			
1779.						
Jan. 18. Do. for do. service	5550	0	0			
1778.				13300	0	0
Feb. 9. To bills of exchange drawn by Thos. Shirley, Esq. for public services	400	0	0			
June 25. Do. for do. service	1281	10	0			
Oct. 12. Do. for do. service	4368	0	0			
1779.						
Jan. 18. Do. for do. service	7500	15	10			
1778.				13550	5	10
June 25. To bills of exchange drawn by John Dalling, Esq. for public services	1049	18	1½			
Oct. 12. Do. for do. service	1000	0	0			
1779.						
Jan. 18. Do. for do. service	633	16	3			
				2693	14	4½

	£.	s.	d.
1778.			
Feb. 9. To do. drawn by Daniel Claus, Esq. for public services - -	1500	0	0
June 25. To do. drawn by Edward Hay, Esq. for public services - -	1357	7	2
Oct. 12. To do. drawn by James Murray, Esq. for public services - -	1945	19	0
To do. drawn by John Arbuthnot, Esq. for public services - -	820	9	6½
1779.			
Jan. 18. To do. drawn by John Clarke, Esq. for public services - -	904	2	2
	39143	4	11
1778.			
Feb. 18. To Zachary Philip Fonnereau, Esq. and Sir Merrick Burrell, Bart. for victualling the forces in the garrison of Gibraltar, between the 7th July 1777, and 26th Oct. following, inclusive - -	10986	6	0
Mar. 4. Do. for insurance on provisions issued to the garrison of Gibraltar between 30th Sept. 1776, and 28th Sept. 1777, inclusive	1607	8	9
Mar. 16. Do. for victualling the forces in do. between the 27th Oct. and 21st Dec. 1777, inclusive - -	5481	12	0
Mar. 27. Do. upon account - -	7000	0	0
May 29. Do. for victualling the forces in do. between 22d Dec. 1777, and 15th Feb. 1778	5540	18	0
June 3. Do. for victualling the forces in do. between Feb. 16, and Mar. 15, 1778, inclus.	2741	7	6
June 24. Do. for victualling the forces in do. between the 16th Mar. and 12th Apr. 1778.	2747	3	0
July 21. Do. for victualling the forces in do. between 13th April and 10th May 1778, both inclusive - - -	2765	15	0
Nov. 5. To the representatives of Z. P. Fonnereau, Esq. and Sir M. Burrel, Bart. for victualling the forces in do. between 11th May and 5th July 1778, inclusive	5511	12	6
Dec. 31. Do. for bills drawn on them by order of Governor Elliot, for fresh provisions for Gibraltar - -	700	0	0
Dec. 28. Do. for do service - -	600	0	0
1779.			
Jan. 15. Do. for do. service - -	500	0	0

	£.	s.	d.
1778.			
Aug. 7. To Sir G. Woombwell, Bt. in advance on his contract for victualling Gibraltar	10500	0	0
1779.			
Jan. 15. Ditto upon account - -	10500	0	0
	67182	2	9
Towards the expence of provisions delivered to the British regiments at Gibraltar, apply the sum voted upon estimate 1778, for that service 11680 0 0			
Also the sum voted upon estimate, 1778, for the foreign troops in that garrison 9364 17 1			
	21044	17	1
	46137	5	8
1778.			
July 15. To Samuel Smith, Esq. to reimburse Mr. Joseph Wall the like sum, expended by him for the payment of the troops at Senegambia - - -	979	15	9
To do. for victualling the forces in Senegambia, between July 1, 1776, and April 7, 1777	40030	14	9¼
Dec. 1. Do. for victualling the forces in do.	459	6	1
Dec. 18. Do. for victualling the forces in do. between 1st July and 30th Sept. 1777, inclusive - - -	1275	5	8
	42745	2	3¼
Towards the expence of provisions delivered to the corps in Africa, apply the sum voted upon estimate, 1778, for that service	2321	14	10
	40423	7	5¼
1778.			
April 14. To Thomas Harley, Esq. on account, for provisions sent for the supply of the garrison of Minorca - -	6000	0	0
May 20. Do. for do. service - -	1734	17	4
June 3. Do. for do. service - -	1353	6	1
July 13. Do. for do. service - -	4600	0	0
Aug. 7. Do. for do. service - -	1034	14	9
Dec. 24. Do. for do. service - -	10000	0	0
	24722	18	2

1778.	£.	s.	d.
August 7. To H. Budd, Gent. for sundry provisions lodged in store-houses on the Island of Guernsey -	1255	4	2
Dec. 4. Do. for do. service -	1255	4	2
	2510	8	4
May 20. To Simon Fraser, Esq. by way of advance on his contract for supplying bread, forage, wood and straw, to the forces encamped in the summer 1778	30000	0	0
Oct 9. Do. on further advance -	15000	0	0
	45000	0	0
Jan. 22. To Maj. Gen. Skene, for sundry expences incurred by him in the embarkation of the troops at Greenock, in consequence of his attendance on that service	891	2	8¼
Feb. 10. Do. for 46 years allowance, for repairing roads and bridges in North-Britain	500	0	0
March 20. To Sir J. Inglis, Bart. and T. Dundas, Esq. executor to the late Colonel Masterton, for oatmeal, firing, candles, &c. furnished to the forces at Fort-William, Castle-Duart, Fort-Augustus, Fort-George, and the barracks at Bernera, Inversnaid, Corgaff and Braemar, and the out-port stations in their neighbourhood, from 1st January to 31st December following, both inclusive - - -	2638	16	7
To the Duke of Argyll for the like sum expended by him on divers occasions, for the good of the service in North-Britain -	300	0	0
April 1. To Wm. Simpson, Esq. for a bill of exchange, drawn by him as cashier of the royal bank of Scotland - -	479	17	9
	4,809	17	0½
Jan. 30. To Col. Whynyard for providing quarters, coals and candles for the officers of the 1st battalion of the 3d regiment of foot-guards doing duty in the Tower -	404	10	0
To Lieut. Gov. Wemyss, for coals, candles, &c. for the forces in Edinburgh-castle, -			

from

1778.	£.	s.	d.
from 1st October to 31st December 1777	215	12	6
To Lieut. Gov. Singleton, for do. for the forces in Landguard-Fort, from 25th June 1777 to 24th December following -	103	19	4
To Joshua Darwen, for do. for the use of the forces at Tynmouth barracks -	177	5	3½
Feb. 9. To And. Clinton, Esq. for do. for the troops in the citadel of Plymouth and St. Nicholas Island, to 24th December 1777	94	6	5
Feb. 21. To E. B. De la Fontaine, Esq. for the forces in the Savoy barracks, from 26th June 1777 to 24th Dec. following -	239	16	3
March 20. To Andrew Clinton, Esq. upon account, to enable him to provide do. for the forces in Plymouth dock - -	500	0	0
April 7. To Lieut. Gov. Corbett, for coals for four companies of invalids, doing duty in the Isle of Jersey, for one year from Lady-day 1778 - - - - -	275	11	6
To do. for candles provided for do. -	27	4	6
April 30. To Capt. George Brisac, for coals, candles, &c. furnished by him to the forces quartered in Chatham barracks from 5th October 1777 to 5th April 1778 -	1275	3	4
July 13. To T. Best, Esq. for coals, candles, &c. for troops quartered in Dover-castle, from 25th June 1777 to 24th June 1778	818	6	2¼
July 20. To Andrew Clinton, Esq. for do. for the troops in the citadel of Plymouth and St. Nicholas island, from 25th December 1777 to 24th June 1778 -	410	14	2
To Lt. Gov. Wemyss, for do. for the forces in Edinburgh castle, from 1st Jan. 1778 to 31st March following, both inclusive	253	5	6
August 17. Do. for do. from 1st April 1778 to 30th June following, both inclusive -	191	3	0
To E. B. De la Fontaine, Esq. for supplying additional companies and recruits in the Savoy barracks, with do. between 24th Dec. 1777 and 25th June 1778. -	194	5	7
Aug. 30. To Lt. Gov. Singleton, for do. for forces in Landguard Fort, from 25th Dec. 1777 to 24th June 1778, both inclusive	108	3	11
To Lieut. Gov. Corbett, for coals, for five			

companies

	£.	s.	d.
1778. companies of Lord M'Leod's regiment of foot doing duty at Jersey, from 6th June 1778 to 25th March 1779 - -	364	2	6
Oct. 30. To Lt. Gov. Wemyss, for coals, candles, &c. for the forces in Edinburgh castle, from 1st July 1778 to the 30th September following - - -	194	17	0
To Capt. Geo. Brisac, for do. for the forces in Chatham barracks, from 5th April 1778 to 5th October following - -	1391	14	0
1779. Jan. 13. To Andrew Clinton, Esq. upon account, to enable him to provide do. for the forces in Plymouth dock - - -	500	0	0
Jan. 25. Do. for do. for the troops quartered in Plymouth citadel and St. Nicholas Island, to 24th December 1778 - - -	81	10	0
	7821	11	0½
1778. Feb. 28. To the Earl of Panmure, for grass money for the 2d regiment of dragoons in the summer 1777 - - - -	165	2	0
May 11. To Sir J. Mordaunt, for do. for the 10th regiment of do. in the summer 1776	355	13	6
Do. for do. in the summer 1777 - -	126	5	0
To General Elliot, for do. for the 15th regiment of do. in do. summer - -	734	4	0
Do. for extra feeding of his regiment of do. in the year 1777 - - - -	300	0	0
	1681	4	6
1777. Dec. 31. To Frederick Wm. Hecht, for 181 days pay as assistant commissary in America, from 2d November 1776 to 2d May 1777	181	0	0
1778. Jan. 30. Major General Morrison, for 118 days additional pay as quarter-master-general, from 29th August 1777 to 24th December following - -	118	0	0
Jan. 31. To J. Fenton, Esq. for 184 days pay as captain of William and Mary castle, from			

6th

1778.	£.	s.	d.
6th July 1777, to 5th January 1778 -	184	0	0
Feb. 9. To Colonel Gabriel Christie, for 507 days pay, as quarter-master-general in Canada, from 14th March 1776, to 2d Aug. 1777	507	0	0
Feb. 14. To Lieutenant-colonel Townshend, for 186 days pay, as superintendant of the recruiting service, to 24th December 1777 -	274	10	0
Feb. 21. To James Napier, Esq. for 183 days pay, as superintendant general of hospitals in North America, to do. - - -	549	0	0
Feb. 26. To William Hecht, Gent. for 184 days pay, as assistant commissary in America, from 3d May, to 2d November 1777 - -	184	0	0
To Robert Gordon, Esq. for 92 days pay, as commissary at Corke, from 22d November 1777, to 21st January 1778 - -	92	0	0
Feb. 28. To Major General Fawcitt, for 92 days pay, as commissary in Germany, from 3d November 1777, to 2d February 1778 -	460	0	0
March 6. To Jonathan Clarke, Gent. for 365 days pay, as assistant commissary in Canada, from 30th March 1776, to 30th March 1777	365	0	0
March 12. To Fleetwood Parkhurst, Esq. for 92 days pay, as deputy commissary in Canada, from 21st August to 20th November 1777 -	138	0	0
March 20. To Captain Richard Bailey, for 365 days pay, for superintending the embarkation of parties, horses, stores, &c. for the armies in North America, from 11th March 1777, to 10th March 1778, both included - -	182	10	0
March 30. To Major General Haldimand, for 269 days pay, as inspector general of the forces in the West-Indies, from 25th December 1776, to 19th September 1777 - -	672	10	0
March 31. To James Christie, Gent. for 365 days pay, as assistant commissary in America, from 2d April 1776, to and for 2d April 1777	365	0	0
April 1. To J. Morrison, Esq. for 91 days pay as deputy commissary in do. from 25th Sept. to 24th December, 1777, both included -	136	10	0
To Major General Rainsford, for 60 days pay as commissary for mustering foreign troops,			

from

1778.	£.	s.	d.
from 1st November 1777, to 31st December following - - - - -	180	0	0
April 28. To J. Clarke, Gent. for 184 days pay as assistant commissary in America, from 31st March 1777, to 30th September following, both included - - - -	184	0	0
To P. Paumier, Esq. for 183 days pay as deputy commissary in do. from 3d April 1777, to 2d Oct. following, both included - -	274	10	0
April 30. To Capt. A. Fraser, for 1777 days pay, as deputy commissary at Dunkirk, from 11th Oct. 1777, to 5th April 1778, both included -	265	10	0
May 5. To Lieut. R. Simonton, for 227 days allowance as agent to the transports in Virginia, and as captain and commander of the armed sloop Dunmore, from 21st December 1775, to 4th August 1776 - - -	113	10	0
May 11. To Sir J. Napier, for 91 days pay, as superintendant general of hospitals in North America, from 25th December 1777, to 25th March 1778 - - - - -	273	0	0
To Col. W. Roy, for 182 days pay, for superintending stores sent to America, from 14th Oct. 1777, to 13th April 1778, both included - - - - -	364	0	0
May 12. To Major General Fawcitt, for 89 days pay, as commissary in Germany, from 3d Feb. to 2d May 1778, both included -	445	0	0
May 15. To D. Wier, Esq. for 365 days pay, as superintendant and director of forage, provisions, &c. in N. America, from 1st Feb. 1777, to 1st Feb. 1778 - - - -	730	0	0
May 21. To G. Townshend, Gent. for 184 days pay, as assistant commissary in America, from 4th May 1777, to 3d Nov. following, both included - - - -	184	0	0
To R. Gordon, Esq. for 89 days pay, as commissary at Cork, from 22d Feb. to 21st May, 1778, both included - - -	89	0	0
To John Morrison, Esq. for 90 days pay, as deputy commissary in America, from 25th Dec. 1777, to 24th March 1778, both included -	135	0	0
To J. Clarke, Gent. for 181 days pay, as assistant			

1778.	£.	s.	d.
sistant commissary in do. from 1st Oct. 1777, to 30th March 1778, both included -	181	0	0
June 13. To Peter Paumier, Esq. for 182 days pay, as deputy commissary, in do. from 3d. Oct. 1777, to 2d April 1778 - -	273	0	0
June 17. To Mr. Vincent Wood, for 541 days pay, as surgeon to the hospital in Canada, from 1st Jan. 1776, to 24th June 1777, both included - - - -	270	10	0
June 18. To William Butler, Gent. for 365 days pay, as assistant commissary in N. America, from 1st Nov. 1776, to 1st Nov. 1777 -	365	0	0
July 13. To Major H. Lord, for 365 days pay, as commandant at the Illenois, from 25th Dec. 1774, to 24th Dec. 1775, both included	136	17	6
July 31. To Capt. J. Cleve Pleydell, for 785 days allowance, for assisting in completing a plan of North Britain, from 1st May 1776, to 24th June 1778, both included -	392	10	0
Aug. 12. To Major Gen. Fawcitt, for 92 days pay, as commissary in Germany, from 3d May, to 2d August 1778, both included -	460	0	0
Aug. 31. To R. Gordon, Esq. for 92 days pay, as commissary at Cork, from 22d May 1778, to 21st Aug. following, both included -	92	0	0
To sundry general officers for an allowance for reviewing the militia - - -	3800	0	0
To Col. Burgoyne, for 181 days pay, as commissary for mustering foreign troops in America, from 28th January 1778, to 28th July following - - - - -	362	0	0
To Lieut. Col. Townshend, for the pay of sundry officers, employed in carrying on the recruiting service - - - -	333	4	8
To John Fenton, Esq. for 181 days pay, as captain and commander of William and Mary Castle, from 6th Jan. to 5th July 1778, both included - - - - -	181	3	0
Sept. 3. To G. Brindley, Esq. for 182 days pay, as deputy commissary in America, from 4th Oct. 1777, to 3d April 1778, both included	273	0	0
To R. Johnson, Esq. for 365 days pay, as assistant			

1778.	£.	s.	d.
sistant commissary in do. from 20th June, 1777, to 20th June 1778 - - -	365	0	0
Sept. 11. To Messrs. Ross and Gray, for the pay of eleven surgeons mates for the first battalion 60th regiment of foot, stationed at Jamaica, from 25th June 1777, to 24th Dec. following, both included - - -	292	18	10
To do. for the pay of do. from 25th Dec. 1777, to 24th June 1778, both included - -	277	0	8
Sept. 22. To N. Day, Esq. for 287 days pay, as commissary in Canada, from 21st Sept. 1777, to 4th July 1778, both included -	574	0	0
Oct. 20. To sundry general and staff-officers in North America, for the respective periods therein mentioned - - -	9039	3	0
To sundry officers of the hospital in do. -	3343	5	0
Oct. 27. To F. R. Clarke, Esq. for 2 years pay as superintendant of provision train in America, from 1st June 1776, to 1st June 1778 -	730	0	0
Oct. 31. To James Christie, Gent. as assistant commissary in North America, for 365 days pay, from 3d April 1777, to 2d April 1778, both included - - - -	365	0	0
To do. for 133 days pay, as do. from 3d April to 13th August 1778, both included -	133	0	0
To F. Parkhurst, Esq. for 181 days pay, as deputy commissary in Canada, from 21st Nov. 1777 to 20th May 1778 - - -	271	10	0
Nov. 5. To James Porteus, Gent. for 2 years pay, as assistant commissary in America, from 1st April 1776, to 1st April 1778 -	730	0	0
Nov. 19. To Major General Fawcitt, for 92 days pay, as commissary in Germany, from 3d August to 2d November 1778, both included	460	0	0
To John Drummond, Esq. for 182 days pay, as deputy commissary in Canada, from 2d Oct. 1777, to 1st April 1778 - -	273	0	0
Dec. 7. To Robert Gordon, Esq. for 92 days pay, as commissary at Corke, from 22d August, to 21st November 1778, both included	92	0	0
To James Farquarson, Gent. for 2 years pay, as commissary in Canada, from 18th September 1776, to 18th September 1778 -	730	0	0

1778.	£.	s.	d.
Dec. 7. To Nathaniel Day, Esq. for 78 days pay as commissary in Canada, from 5th July, to 20th September 1778, both inclusive	156	0	0
To Gregory Townshend, Esq. assistant commissary in America, 181 days pay, from 4th November 1777, to 3d of May 1778 -	181	0	0
To John Morrison, Esq. for 184 days pay, as commissary in do. from 25th March, to 24th September 1778 - - -	276	0	0
To William Butler, Esq. for 343 days pay, as assistant commissary in do. from 2d Nov. 1777, to 10th October 1778 - -	343	0	0
Dec. 11. To Mr. Vincent Wood, for 365 days pay, as surgeon to the hos. in Canada	182	10	0
Dec. 21. To Peter Paumier, Esq. for 183 days pay, as deputy commissary in America, from 3d April 1778, to 2d October following -	274	10	0
Dec. 24. To F. R. Clarke, Esq. for 126 days pay, as superintendant of the provision train in America, from 2d June 1778, to 5th October following, both inclusive -	126	0	0
To Frederick William Hecht, Gent. for 337 days pay, as assistant commissary in America, from 3d November 1777, to 5th Oct. 1778, both inclusive - - -	337	0	0
1779.			
Jan. 7. To Major Generals Amherst, Warde, and Sir David Lindsay, for their trouble and expence in reviewing his Majesty's forces -	2737	10	0
To sundry extra general and staff-officers, and officers of the hospital in Great Britain -	14703	5	0
To Robert Adair, Esq. for balance of pay of extra surgeons mates in the ceded Islands, &c. to 24th December 1777 - -	451	14	0
Jan. 12. To George Brindley, Esq. for 183 days pay, as deputy commissary in America, from 4th April, to 3d Oct. 1778, both inclu.	274	10	0
To John Fenton, Esq. for 184 days pay, as captain and commander of William and Mary Castle, from 6th July 1778, to 5th Jan. 1779, both inclusive - - -	184	0	0
Jan. 25. To Sir Guy Carleton, for 262 days pay, as commander in chief in Canada, from 25th Dec. 1777, to 12th September 1778	2620	0	0

1779.	£.	s.	d.
Jan. 28. To Capt. Andrew Fraser, late commissary at Dunkirk, for 188 days pay, from 6th April 1778 to 10th October following -	282	0	0
365 days allowance to Major Hayman Rooke, as major to the late 98th regiment of foot, from 25th December 1777 to 24th December 1778 - - - -	273	15	0
365 days pay of George Monro, Esq. as commissary of stores in North Britain, from do. to do. - - - -	182	10	0
365 days allowance to Lieut. Colonel Birch in lieu of a troop of light dragoons, from 25th Dec. 1777 to 24th Dec. 1778 -	282	17	6
365 days do. to Major General Preston in lieu of do. from do. to do. - -	282	17	6
365 days do. to Adm. Montagu as Governor of Newfoundland, &c. from 15th March 1777 to 14th March 1778 - - -	547	10	0
To one year's allowance to L. Lochée, being his Majesty's royal bounty for the year 1778	100	0	0
To one year's do. to John Campbell, Esq. as superintendant inspector of Indian affairs in the province of Quebec, from 2d October 1777 to 2d October 1778 - -	300	0	0
	57540	18	8
1778.			
Feb. 14. To J. Meyrick, Esq. to enable him to re-imburse the non-commissioned officers and private men of sundry regiments of foot, the stoppages made for the surgeons and pay-masters allowances, from 25th of June 1777 to 24th December following - -	1158	10	3
To Mess. Anderson and Co. to enable them to re-imburse do. of the 42d regiment of foot, the stoppages made for do. from do. to do.	165	7	0
To Sir J. A. Oughton, to enable him to re-imburse do. of the 31st regiment of foot, the stoppages made for do. and for the allowance for bread from do. to do. - -	146	7	3½
Feb. 21. To J. Meyrick, Esq. for the allowance of bread-money to the 2d and 70th regiments of foot - - -	528	3	0

1778.	£.	s.	d.
To James Fitter, Esq. to enable him to re-imburse the non-commissioned officers and private men of the 15th and 19th regiments of foot, the stoppages made for the surgeons and paymasters allowances, from 25th of June 1777 to 24th December following, and for bread-money to parties of the 15th regiment at Chatham Barracks, between 4th June 1777 and 29th December following -	197	10	0¼
To Mess. Cox and Mair, to enable them to re-imburse do. of sundry regiments of foot, the stoppages made for do. from 25th June 1777 to 24th December following -	1856	17	0
Feb. 28. To Lieut. Gen. Armstrong, to enable him to re-imburse do. of the 8th regiment of foot, the stoppages made for do. from do. to do. - - - - -	120	2	1
To Lieut. General Haviland, to enable him to re-imburse do. of the 45th regiment of foot, the stoppages made for do. from do. to do.	96	6	10
To Mess. Ross and Gray, to enable them to re-imburse do. of sundry regiments, the stoppages made for do. from do. to do.	1789	5	7
Mar. 18. To E. Bishopp, Esq. to enable him to re-imburse the non-commissioned officers and private men of the 5th and 29th regiments of foot, the stoppages made for the surgeons and paymasters allowances from 25th June 1777 to 24th Dec. following, and for the allowance for bread-money to said regiments	212	19	2
April 7. To J. Meyrick, Esq. for the allowance for bread-money to sundry regiments, from 4th July 1776 to December 1777 -	155	7	10
To Sir Eyre Coote, to enable him to re-imburse the non-commissioned officers and private men of the 37th regiment of foot, the stoppages made for the surgeon and paymasters allowances, from 25th June 1777 to 24th Dec. following, and for the allowance for bread-money, to parties of the said regiment within the said period -	114	0	9
Apr. 20. To Mess. Roberts, to enable them to re-imburse do. of the 24th, 27th, and 38th re-			

giments

1778.	£.	s.	d.
giments of foot, the stoppages made for do. from do. to do. - - - -	289	0	6
Apr. 29. To Mess. Ross and Gray, for bread-money to recruiting parties and recruits, belonging to sundry regiments in the year 1776	156	10	11½
Do. for do. in the year 1777 - -	167	1	7
Do. for do. to sundry regiments in the year 1776	1279	0	4
Do. for do. to the 1st battalion of the royals and the 13th regiment of foot in the year 1777	1904	11	0
Do. for do. to the 3d and 21st regiments of foot, in the year 1775 - - -	754	10	5
Aug. 8. To Mess. Cox and Mair to enable them to re-imburse the non-commissioned officers and private men of sundry regiments of foot, the stoppages made for the surgeon and paymasters allowances from 25th Dec. 1776 to 24th June 1777 - -	1993	14	9
Oct. 20. To Mess. Meyrick, for allowance of bread-money to sundry regiments -	556	19	8
	13642	5	9¼
1778.			
Jan. 22. To Sir R. Hamilton, to replace sundry cloathing and accoutrements belonging to the 40th regiment of foot, lost in actions against the rebels in America, in the campaign 1777	280	19	11
To Lieutenant General Sandford, to replace do. belonging to the 10th regiment of foot, lost in do. campaign - - -	25	4	0
To General Abercrombie, to replace sundry do. belonging to the 44th regiment of foot, lost in do. campaign - - -	24	4	0
Mar. 18. To Lord A. Gordon, to replace do. belonging to the 26th regiment of foot, taken by the rebels in Canada in the year 1775	566	3	2
Apr. 30. To Sir Eyre Coote, to replace sundry accoutrements belonging to the 37th regiment of foot, lost in actual service against the rebels in North America, and destroyed by fire at Pisataucay in the Jerseys, the 28th April 1777 - - - -	50	5	6
Aug. 31. To the Earl of Loudoun, to replace sundry do. belonging to the detachment of			

1778.	£.	s.	d.
the 3d regiment of foot guards, which were lost or destroyed on service against the rebels in North America - - -	47	10	6
To General Hodgson, to replace sundry do. belonging to the 4th regiment of foot, lost in service in do. during the campaigns 1776 and 1777 - - - - - -	93	2	6
To Major General Grey, to replace sundry do. belonging to the 28th regiment of foot lost in do. during the campaign 1777 - -	41	19	6
To Lieutenant General Pomeroy, to replace sundry do. belonging to the 64th regiment of foot, lost in do. during the campaign 1776 and 1777 - - - -	106	15	6
To Earl Waldgrave, to replace sundry do. belonging to the detachment of the Coldstream regiment of foot guards, lost on service against the rebels in North America - -	50	3	0
Sept. 19. To Lieut. General Trapaud, to replace sundry do. belonging to the 70th regiment of foot, lost in the expedition to St. Vincent's, &c. - - -	81	2	0
To the Duke of Gloucester, to replace sundry do. belonging to the detachment of the 1st regiment of foot guards, lost or destroyed on service in North America - -	53	0	0
To Major General Grant, to replace sundry do. belonging to the 55th regiment of foot, lost or destroyed on service against the rebels in North America, during the campaigns in 1776 and 1777 - - -	120	1	8
To Lieutenant General Sandford, to replace camp equipage, cloathing, and accoutrements belonging to the 10th regiment of do. lost on board the Symmetry brig, taken by the rebels in the river Delaware, in December 1777	1323	2	9
Nov. 11. To Earl Percy, to replace sundry accoutrements belonging to the 5th regiment of do. lost in actions against the rebels, during the campaigns 1776 and 1777 - -	53	8	0
Dec. 16. To Lieut. General Burgoyne, to replace horse-furniture, accoutrements, &c. belonging to the 16th regiment of dragoons,			

lost

1778.	£.	s.	d.
lost or taken by the enemy in America during the campaigns 1776 and 1777 - -	674	18	4
	3592	0	4

April 15. To Maj. Gen. Calcraft, in lieu of 63 days nett off-reckonings of the Liverpool regiment of foot - - - -	538	13	8
To Lieut. Col. M'Donnell, in lieu of 49 days do. of his regiment of Highlanders -	418	19	6
To Col. M'Kenzie, in lieu of 49 days do. of his regiment of do. - - -	418	19	6
To Col. Gordon, in lieu of 49 days do. of his regiment of do. - - -	418	19	6
To Lieut. Col. Campbell, in lieu of 49 days do. of his regiment of do. - - -	418	19	6
To Lieut. Col. Mawhood, in lieu of 49 days do. of the 72d regiment of foot - -	418	19	6
To Sir Will. Erskine, in lieu of 72 days do. of the Edinburgh volunteers - -	615	12	10
To Col. Scott, in lieu of 72 days do. of the Glasgow volunteers - - -	615	12	10
To the Earl of Seaforth, in lieu of 63 days do. of his regiment of Highlanders - -	538	13	8
To Col. Murray, in lieu of 49 days do. of his regiment of do. - - -	418	19	6
To Col. F. M'Lean, in lieu of 58 days do. of his regiment of foot - - -	495	18	8
May 30. To Maj. Gen. Daniel Jones, in lieu of 110 days do. of the additionals to the 2d regiment of foot - - -	111	19	1
To Lieut. Gen. Walsh, in lieu of 49 days do. of the do. to 56th foot - - -	72	4	5
To Sir Henry Clinton, in lieu of 49 days do. of the do. to 12th do. - - -	72	4	5
To Sir John Seabright, in lieu of 110 days do. of the do. to 18th do. - - -	111	19	1
To Lieut. Gen. Boyd, in lieu of 49 days do. of the do. to 39th do. - - -	72	4	5
To Maj. Gen. Baugh, in lieu of 49 days do. of the do. to 58th do. - - -	72	4	5
To Lieut. Gen. Sherard, in lieu of 49 days do. of the do. to 69th do. - - -	49	17	5

1778.	£.	s.	d.
To Lord Geo. Lenox, in lieu of 49 days do. of the do. to 25th do.	49	17	5
To the Duke of Argyll, in lieu of 49 days do. of the do. to the 1st and 2d battalions of the 1st foot	99	14	10
To Lieut. Gen. Murray, in lieu of 49 days do. of the do. to 13th do.	49	17	5
To Sir David Lindsay, in lieu of 49 days do. of the do. to 59th do.	49	17	5
July 18. To the Duke of Buccleugh, in lieu of 170 days do. of his regiment of fencible men	1453	11	11
To the Duke of Gordon, in lieu of 170 days do. of his regiment of do.	1453	11	11
To the Duke of Gloucester, in lieu of 109 days do. of the additionals to the 1st foot guards	453	2	0
To Gen. Elliott, in lieu of 276 days do. of the do. to 15th regiment of dragoons	180	2	7
To the Earl of Loudoun, in lieu of 109 days do. of the do. to 3d regiment of foot guards	291	0	6
To Earl Waldgrave, in lieu of 109 days do. of the do. to 2d do.	291	0	6
To Gen. Mostyn, in lieu of 262 days do. of the do. to the 1st regiment of dragoon guards	512	19	8
To Lord Frederick Campbell, in lieu of 170 days do. of his regiment of fencible men	1453	11	11
July 23. To Lord Townshend, in lieu of 262 days do. of the additionals to the 2d regiment of dragoon guards	341	19	9
To the Earl of Panmure, in lieu of 262 days of the do. 2d regiment of dragoons	341	19	9
To Sir John Mordaunt, in lieu of 262 days do. of the do. to 10th do.	341	19	9
July 3. To Lord Robert Manners, in lieu of 262 days do. of the do. to 3d do.	341	19	9
To the Earl of Pembroke, in lieu of 262 days do. of the do. to 1st do.	341	19	9
To Gen. Carpenter, in lieu of 262 days do. of the do. to 4th do.	341	19	9
To Lieut. Gen. Johnston, in lieu of 262 days do. of the do. to 6th do.	341	19	9
To Sir G. Howard, in lieu of 262 days do. of the do. to 7th do.	341	19	9

1778.	£.	s.	d.
To Lieut. Gen. Fitzroy, in lieu of 262 days do. of the do. to 3d do.	341	19	9
To Lieut. Gen. Johnston, in lieu of 262 days do. of the do. to 11th do.	341	19	9
Oct. 23. To Sir Thomas Wilson, in lieu of 231 days do. of the do. to 50th do.	235	2	2
To Col. Picton, in lieu of 69 days do. of the 75th regiment of do.	589	19	9
To Gen. Mostyn, in lieu of 415 days do. of the additionals to the 1st regiment of dragoon guards	120	7	6
To Lord Robert Manners, in lieu of 415 days do. of the do. to 3d do.	240	15	1
To the Earl of Pembroke, in lieu of 415 days do. of the do. to 1st do.	240	15	1
To Lieut. Gen. Carpenter, in lieu of 415 days do. of the do. to 4th do.	240	15	1
To Lieut. Gen. Johnston, in lieu of 415 days do. of the do. to 6th do.	240	15	1
To Sir George Howard, in lieu of 415 days do. of the do. to 7th do.	240	15	1
To Lieut. Gen. Johnston, in lieu of 415 days do. of the do. to 11th do.	240	15	1
To Lord Townshend, in lieu of 415 days do. of the do. to 2d do.	240	15	1
To the Earl of Panmure, in lieu of 415 days do. of the do. to 2d do.	240	15	1
To Sir John Mordaunt, in lieu of 415 days do. of the do. to 10th do.	240	15	1
	18751	12	8
Jan. 30. To Lieut. Gen. Burgoyne, for providing divers camp necessaries for the 16th regiment of dragoons	700	10	0
To Lieut. Gen. Campbell, for do. for the 35th regiment of foot	173	8	0
To Lieut. Gen. Fraser, for do. for the 71st do.	558	19	0
To Lieut. Gen. Preston, for do. for the 17th regiment of dragoons	772	15	0
Feb. 20. To Messrs. Gray and Ogilvie, for do. for Lieut. Col. M'Lean's corps	323	19	0

1778.	£.	s.	d.
April 30. To the Earl of Loudoun, for do. for the detachment of foot guards - - -	233	16	0
To Lieut. Gen. Monckton, for do. for the 17th regiment of foot - - - - -	118	16	0
To Sir W. Howe, for do. for the 23d do. -	118	16	0
To Lord Adam Gordon, for do. for the 26th do.	118	16	0
To Earl Cornwallis, for do. for the 33d do. -	118	16	0
To Maj. Gen. Vaughan, for do. for the 46th do. -	118	16	0
To Lt. Gen. Pomeroy, for do. for the 64th do. -	118	16	0
May 4. To Maj. G. Grey, for do. for the 28th do.	118	16	0
To Lord John Murray, for do. for the 42d do -	324	17	6
May 13. To Lieut. Gen. Trapaud, for do. for the 70th do. - - - - - - -	356	9	6
June 17. To Lord John Murray, for do. for the 42d do - - - - - - - -	213	10	6
To Lieut. Gen. Preston, for do. for the 17th regiment of dragoons - - - -	76	2	6
To Lieut. Gen. Sandford, for do. for the 10th regiment of foot - - - - -	121	1	6
To Lieut. Gen. Gage, for do. for 22d do. -	121	1	6
To Sir Robert Hamilton, for do. for 40th do. -	121	1	6
To Lieut. Gen. Carey, for do. for 43d do. -	121	1	6
To Gen. Abercrombie, for do. for 44th do. -	121	1	6
To Messrs. Cox and Mair, for do. for 52d -	121	1	6
To Maj. Gen. Grant, for do. for 55th do. -	121	1	6
To Sir John Irwine, for do. for 57th do. -	121	1	6
To Lieut. Gen. Grant, for do. for 63d do. -	121	1	6
June 29. To Sir Eyre Coote, for do. for 37th do.	117	15	0
To the Earl of Cavan, for do. for 15th do. -	117	15	0
To Maj. Gen. Massey, for do. for 27th do. -	121	1	6
To Maj. Gen. Pigott, for do. for 38th do. -	121	1	6
To Earl Percy, for do. for 5th do - -	122	13	0
To Lieut. Gen. Haviland, for do. for 45th do.	117	15	0
Aug. 17. To the Earl of Pembroke, for do. for 1st dragoons - - - -	541	4	9
To Lieut. Gen. Carpenter, for do. for 4th do. -	541	4	9
To Lieut. Gen. Johnston, for do. for 6th do. -	541	4	9
To Gen. Mostyn, for do. for 1st do. - -	804	17	0
To Lord Robert Manners, for do. for 3d do. -	541	4	9
To Sir G. Howard, for do. for 7th do. -	541	4	9
To Lieut. Gen. Sherard, for do. for 69th regiment of foot - - - -	235	4	6
To Lt. Col. M'Donnell, for do. for 76th do -	618	14	9
Aug. 31, To Gen. Hodgson, for do. for 4th do.	117	15	0

1778.	£.	s.	d.
To Lord G. Lenox, for do. for 25th do. -	238	8	0
To Sir T. S. Wilson, for do. for 50th do. -	238	8	0
To Lord M'Leod, for do. for 73d do. -	652	4	0
Sept. 19. To Maj. Gen. Jones, do. for 2d do.	238	8	0
To John Trotter, Esq. for do. for the militia in South Britain - - - - -	12053	9	7
To Lord Townshend, for do. provided for 2d dragoon guards - - - - -	547	0	3
To the Earl of Panmure, for do. provided for 2d dragoons - - - - -	547	0	3
To Sir John Mordaunt, for do. provided for 10th do. - - - - -	547	0	3
To Sir William Boothby, for do. provided for 6th do. - - - - -	242	11	6
To Sir John Sebright, for do. provided for 18th do. - - - - -	242	11	6
To Gen. Wemston, do. provided for 65th do.	242	11	6
Oct. 20. To Gen. Elliot, for do. provided for 15th dragoons - - - - - -	622	5	9
To Col. Murray, for do. provided for 77th ft.	618	19	0
To Sir William Erskine, for do. provided for 80th do. - - - - - - -	618	19	0
To Col. M'Lean, for do. provided for 82d do.	618	19	0
To Col. Scott, for do. provided for 83d do. -	618	19	0
Oct 23. To the Earl of Loudoun, for do. provided for the detachment from 3d ft. guards	368	14	6
1779.			
Jan. 23. To John Trotter, Esq. for tents and camp necessaries provided for the forces at Gibraltar - - - - - - -	1678	8	0
	31791	5	7
1778.			
March 18. To Lt. Col. Earl of Seaforth, John Campbell, and John M'Donnell, for bas horses, for their regiments ordered on service	330	0	0
To Cols. Sir William Erskine, George Scott, Francis M'Lean, William Gordon, John M'Kenzie, and James Murray, for do. for their regiments ordered on service -	660	0	0
1778.			
April 15. To the Cols. of the three regiments of dragoon guards, and the 1st, 2d, 3d, 4th, 6th,			

7th,

1778.	£.	s.	d.
7th, 10th, and 15th dragoons, for bas horses for their regiments ordered to encamp -	800	0	0
May 30. To the Cols. of the Westminster and Buckingham militia, for do. for their regiments	190	0	0
To the Cols. of ten regiments of foot, for do. for their respective regiments ordered to take the field - - - - -	1100	0	0
To Sir William Boothby and Gen. Cunningham, for do. for the 6th and 14th regiments of foot ordered to take the field -	260	0	0
June 8. To the Cols. of fourteen regiments of militia, for do. for their respective regiments ordered to take the field - - - - -	1360	0	0
June 17. To the Cols. of twenty-three regiments of do. for do. for their respective regiments ordered to take the field - - - -	2050	0	0
June 20. To the Duke of Manchester for do. for the Huntingdonshire militia ordered to take the field - - - - - -	70	0	0
To Major Gen. Tryon for do. for the 70th regiment of foot ordered to North America -	110	0	0
To the Cols. of the three regiments of foot guards for do. for their respective regiments	670	0	0
Aug. 17. To Col. Picton for do. for the 75th regiment ordered to take the field -	110	0	0
To Major Gen. Calcraft for do. for the 79th regiment of foot - - - - - -	110	0	0
Aug. 31. To the Cols. of the several regiments of cavalry, infantry, and militia, encamped in the summer 1778, for an additional bas horse to each company of their respective regiments	5220	0	0
To the Earl of Powys for bas horses for the Montgomeryshire militia, ordered to take the field - - - - - - - -	60	0	0
To the Cols. of the three regiments of foot guards, for an additional bas horse for each company of their respective regiments -	640	0	0
	13740	0	0

1778.

March 18. To Lieut. Colonels Earl of Seaforth, John Campbell, and John M'Donnell, for bag-

1778.	£.	s.	d.
baggage horses for their regiments ordered on service - - - -	663	15	0
To Colonels Sir W. Erskine, G. Scott, F. M'Lean, W. Gordon, J. M'Kenzie, and J. Murray, for do. for their regiments ordered on service - - -	1372	10	0
April 15. To the Cols. of the three regiments of dragoon guards, the 1st, 2d, 3d, 4th, 6th 7th, 10th and 15th dragoons, for do. for their regiments ordered to encamp - -	690	0	0
May 20. To the Cols. of the Wesminster and Buckinghamshire militia, for baggage horses for their regiments - - -	295	0	0
To the Cols. of ten regiments of foot, for do. for their respective regiments ordered to take the field - - - -	1787	10	0
To Sir W. Boothby and Lieut. Gen. Cunningham, for do. for the 6th and 14th regiments of foot, ordered to take the field -	417	10	0
June 8. To the Cols. of fourteen regiments of militia, for do. for their respective regiments, ordered to take the field - -	2017	10	0
June 17. To the Cols. of twenty-three regiments of do. for do. to their respective regiments ordered to take the field - -	3178	15	0
July 28. To the Duke of Manchester for do. for the Huntingdonshire militia, ordered to take the field - - - -	110	0	0
To Major Gen. Tryon for do. for the 70th of foot, ordered to North America - -	178	15	0
To the Cols. of the three regiments of foot guards for do. for their respective regiments	956	5	0
Aug. 17. To Col. Picton for do. for the 75th regiment of foot, ordered to take the field -	235	0	0
To Major Gen. Calcraft, for do. for the 79th regiment of foot - - -	220	0	0
Aug. 31. To the Earl of Powis, for do. for the Montgomeryshire militia, ordered to take the field - - -	93	15	0
	12306	5	0

1778.	£.	s.	d.
March 18. To Lieut. Cols. Earl Seaforth, J. Campbell, and John M'Donnell, for 100 days forage money for their regiments ordered on service - - - -	742	10	0
To Cols. Sir W. Erskine, G. Scott, Francis M'Lean, W. Gordon, J. M'Kenzey, and J. Murray, for 100 days do. for their regiments ordered on service - - -	1605	0	0
May 30. To the Cols. of the Westminster and Buckinghamshire militia, for 100 days do. for their regiments - -	382	10	0
To the Cols. of ten regiments of foot, for 100 days do. for their respective regiments ordered to take the field - - -	2225	0	0
To Sir William Boothby and Lieut. Gen. Cunningham, for 100 days do. for the 6th and 14th regiments of foot, ordered to take the field - - - -	515	0	0
June 8. To the Cols. of fourteen reigiments of militia, for 100 days pay do. for their respective regiments, ordered to take field -	2715	0	0
June 17. To the Cols. of twenty-three regiments of do. for 100 days do. for their respective regiments, ordered to take the field	4050	0	0
July 20. To the Duke of Manchester, for 100 days do. for the Huntingdonshire militia, ordered to take the field - - -	137	10	0
To Major General Tryon, for 100 days forage money for the 70th regiment of foot, ordered to North America - -	222	10	0
To the Cols. of the three regiments of foot-guards, for 100 days do. for their respective regiments - - - - -	1337	10	0
Aug. 17. To Col. Picton, for 100 days do. for the 75th regiment of foot ordered to take the field - - - - -	280	0	0
To Major Gen. Calcraft, for 100 days do. for the 79th regiment of foot - -	255	0	0
Aug. 31. To the Earl of Powys, for 100 days do. for the Montgomeryshire militia, ordered to take the field - - - -	117	10	0
For 200 days forage to the general and staff officers of the hospital in Great Britain -	3765	0	0

1778.	£.	s.	d.
Dec. 25. For 100 days winter forage for the regiments of dragoon guards and dragoons	5095	0	0
1779.			
Jan. 7. For 100 days do. for the regiments of infantry - - -	2732	10	0
For 100 days do. for the regiments of militia	7170	0	0
	33347	10	0

1778.			
July 18. To Major Gen. Grant, for the contingent disbursements of 55th regiment of foot, from 25th June 1776, to 24th Dec. following - - -	183	8	6
July 20. To Lieut. Gen. Grant, for do. of the 63d regiment of foot, from 25th Dec. 1775, to 24th June 1776 - -	114	17	2
July 31. Do. for do. from 25th June 1776, to 24th Dec. following - -	103	12	6
Aug. 17. To the Duke of Argyll, for do. for the 2d battalion of the 1st regiment of foot, from 25th Dec. 1775, to 24th Dec. 1776	555	10	2
Oct. 20. To Lieut. Gen. Gage, for do. for 22d regiment of foot, from 25th Dec. 1775, to 24th June 1776 - -	42	0	0
Do. for do. from 25th June 1776, to 24th Dec. following - - -	87	0	2
Dec. 3. To Messrs. Adair and Bullock, for the contingent disbursements of the 1st regiment of Devonshire militia, from 26th March 1778, to 24th June following -	48	1	4
	1134	9	10

Dec. 3. For the marches, &c. of the Northamptonshire militia, from 26th March 1778, to 24th June following - -	104	6	6
For do. of the Bedfordshire do. from do. to do.	110	14	2
For. do. of the Cambridgeshire do. from do. to do. - - -	59	12	6
For do. of the Northumberland do. from do. to do. - - - -	69	8	0
For do. of the south battalion of Gloucestershire do. from do. to do. - -	94	1	0

For

	£.	s.	d.
1778.			
For do. of the east Kent do. from do. to do.	57	13	2
Dec. 11. For do. of the Dorsetshire do. from do. to do. - -	114	4	6
Dec. 11. For the marches, &c. of the East-Riding of Yorkshire Militia, from the 26th March 1778, to 24th June following	179	2	6
For do. for the Western regiment of Middlesex do. from do. to do. - -	124	3	6
For do. of the Anglesea do. from do. to do.	36	8	8
1779.			
Jan. 7. For do. of the Worcestershire do. from do. to do. - -	156	2	0
For do. of the Cheshire do. from do. to do.	147	11	6
For do. of the Buckinghamshire do. from do. to do. - -	106	4	7
	1359	12	7
1778.			
Mar. 20. To Robert Adair, Esq. to enable him to satisfy such bills as are or may be drawn upon him for the pay of divers extra surgeons and surgeons' mates in the ceded Islands, &c.	2000	0	0
June 8. Do. to enable him to pay the monthly hospital allowance to the forces encamped	2000	0	0
	4000	0	0
Feb. 9. To Lieut. Col. Townshend, on account, for levy-money for the recruiting service in London - -	1000	0	0
July 20. Do. on account, to enable him to pay such bills as are or may be drawn on him for the pay of sundry officers employed on the recruiting service - -	1000	0	0
Nov. 11. Do. for do. service - -	2000	0	0
	4000	0	0
1777.			
Nov. 24. To Maj. Gen. Fawcitt, for his contingent expences as deputy adjutant general, from 11th Dec. 1775, to 10th Dec. 1777, both included - -	154	9	0

1778.	£.	s.	d.
Jan. 22. To John Trotter, Esq. for hospital bedding, &c. for the use of the forces in Dover castle - -	105	15	6
Jan. 30. To Lieut. Col. Townshend, superintendant of the recruiting service, for so much expended by him at Chatham and Charles Fort, to 24th June 1777 -	434	12	11
To Lieut. Gen. Harvey, for his contingent expences as adjutant general, to Dec. 24, 1777	423	11	0
To major-general Morrison, for his do. as quarter-master general to do. - -	295	10	0
To Col. William Ray, for his do. as deputy quarter-master general to do. -	94	18	0
Feb. 14. To E. B. De la Fontaine, Esq. for providing divers utensils for the use of the infirmary and barracks in the Savoy, during the year 1777 - -	92	14	10
Feb. 18. To Edward Morce, Esq. for the rent of a house, as chief justice of the province of Senegambia, for one year, ended 7th of Feb. 1778 - -	60	0	0
Feb. 21. To Messrs. Powle and Cooke, for royal bounty to out-pensioners of Chelsea hospital, ordered on duty in the year 1775 -	3259	0	1
To James Hamilton, Esq. Lieut. in the 10th regiment of foot, being his Majesty's bounty for the loss of the use of his arm, at Bunker's Hill, in America, the 17th June 1775	164	4	4
1779.			
Mar. 2. To Col. John Burgoyne, for an equipage, as commissary for mustering foreign troops	500	0	0
Mar. 13. To Capt. John Lloyd, being his Majesty's bounty for the loss of the use of his arm by a shot, in the Jerseys, Feb. 23, 1777	228	14	0
Mar. 18. To Jane Spendlove, as of his Majesty's royal bounty - -	100	0	0
Mar. 20. To Lieut. Col. Townshend, for his contingent expences as superintendant of the recruiting service, from 25th June 1777, to 24th Dec. following - -	337	5	0
To Capt. Richard Bailey, for his contingent expences as assistant to the quarter-master general, in North America, from 11th March 1777, to 10th March 1778 - -	312	14	6

1778.	£.	s.	d.
Mar. 25. To William Rice, surveyor of the guards, for work done at Whitehall, the Tilt-yard, St. James's, Kensington, Somerset-house, Hampton-court, &c. between 25th Dec. 1775, and 25th Dec. 1776	2061	6	11½
Mar. 26. To Messrs. Ross and Gray, for levy-money for 50 drafts to the 61st regiment of foot - -	250	0	0
The Earl of Eglintoun, for do. for 50 do. to the 51st do. - -	250	0	0
Apr. 7. To John Gore, Esq. for necessaries furnished to the guards in the Tower of London for six months, from Michaelmas 1777, to Lady-day 1778 - -	616	13	2
To the Duke of Gloucester, for providing slop-cloathing for the augmentation to the 1st regiment of foot guards -	617	8	4
Apr. 15. To Capt. Ibbetson Hamer, being his Majesty's bounty for the loss of his leg, upon 12th Sept. 1777, near Newark, in New Jersey - -	95	13	4
Apr. 24. To Capt. M'Pherson, being do. for the loss of the use of his arm, by a shot in the Jerseys, 3d Jan. 1777 - -	269	12	0
To Capt. John Elliott, of the Trident man of war, for taking Lord Cornwallis and his suite from Great Britain to America -	150	0	0
Apr. 29. To Capt. Stair Douglas, of the Montreal man of war, for taking Lieut. Gen. Haldimand from Great Britain to Quebec	150	0	0
Apr. 30. To John Trotter, Esq. for hospital bedding for the use of the garrison of Gibraltar	2144	2	6
May 11. To Robert Adair, Esq. for several sums of money paid by him on account of the several hospitals, and for his contingent expences, from June 25, 1776, to Dec. 24, 1777	1808	2	2
To the Duke of Gloucester, for cloathing the drummers and hautboys of the 1st regiment of foot guards, for two years, from 25th of March 1777, to 25th March 1779	344	9	0
May 12. To Thomas Harley, Esq. for packing, freight, insurance, and charges, in sending invalid cloathing to sundry garrisons	357	6	6
May 28. To Maj. Gen. Rainsford, for expences			

as

1778.	£.	s.	d.
as commissary to Holland, for mustering foreign troops in the pay of Great Britain -	324	11	4
May 30. To Capt. George Gayton, of the Romulas man of war, for taking Lieut. Gen. Boyd from Gt.-Britain to Gibraltar -	150	0	0
June 5. To R. Shadwell, Esq. for the expences of conveying by land from Bonn to Boisleduc the baggage of the Anspach and Hanau troops, in the pay of Great-Britain	358	3	8
June 8. To Ensign A. Salans, being his Majesty's bounty for the loss of the use of his arm, near Bennington in North America, the 16 of August 1777 - - -	121	8	10
To A. Smith, Esq. for expences incurred by him with the attendance and trouble he was put to as acting as deputy judge-advocate in Jamaica, between the years 1772 and 1778	258	0	0
June 29. To W. Best, Esq. for the contingent disbursements of 3 battalions of Hanoverians at Gibraltar, from 25th Dec. 1776, to 24th Dec. 1777, and battalions of do. at Minorca, from 25th Dec. 1775, to 24th Dec. 1777 - - -	552	5	7
July 23. To Maj. Gen. Morrison, for his contingent disbursements as qr.-master general, from 25th Dec. 1777, to 25th June 1778 -	234	9	0
July 24. To G. Garnier, Esq. apothecary general for medicines and materials provided for the forces in England, the West-Indies, Africa and North America, in the years 1777 and 1778 - - -	8618	3	10½
July 31. To Lieut. General Gage, for the charges of a vexatious suit carried on against him by Lieut. Fowler - - -	117	12	8
To the colonels of the regiments of dragoon guards and dragoons, for horse furniture & accoutrements for their respective regiments	7127	11	9
August 31. To L. Morse, Esq. for his expences and trouble in carrying on a progressive list of the army for one year from mid-summer 1777, to mid-summer 1778 -	226	0	0
To John Trotter, Esq. for hospital bedding, for the use of his Majesty's forces encamped in Great Britain - - - -	2765	19	3

1778.	£.	s.	d.
To Henry Sealy, surgeon to the 9th regiment of foot, for losses sustained by being taken prisoner by the rebels in North America, the 8th July 1777 - - - -	71	16	0
Sept. 19. To Col. W. Roy, for his contingent disbursements as deputy quarter-master-gen. from 24th Dec. 1777, to 24th June 1778 -	294	10	6
To Lieut. Gen. Murray, for contingent expences of the government of Minorca, between 24th June 1775, and 25th June 1777	1179	1	10
To the Colonels of the regiments of dragoon guards and dragoons, for horse furniture, &c. for the 2d augmentation to their respective regiments - - - -	2942	2	0
Oct. 9. To V. Mathias, Esq. for freight and charges in two consignments of cloathing, &c. for the Brunswick troops serving in America	119	10	11
Oct. 17. To Mrs. E. Agnew, being his Majesty's royal bounty in consideration of the loss of her husband - - - - - -	310	5	0
Oct. 30. To. J. Gore, Esq. for necessaries furnished to the guards doing duty in the Tower of London, for 6 months to Michaelmas 1778	335	15	10
Do. for do. furnished to do. between Michaelmas 1777, and Michaelmas 1778 - -	81	18	0
Oct. 30. To Lieut. Col. Townshend, for his contingent disbursements as superintendant of the recruiting service, from 25th December 1777, to 24th June 1778 - -	392	13	9
Nov. 11. To Capt. Reddall, of the Grampus store-ship, for bringing Lieut. Gen. Burgoyne from America to Great-Britain -	150	0	0
To the colonels of the 21st regiment of militia, for knapsacks and haversacks for their respective regiments - -	3211	19	8
Nov. 30. To Capt. S. Douglas, of the Montreal man of war, for bringing Sir Guy Carleton from Quebec to Great-Britain -	150	0	0
To John Trotter, Esq. for hospital bedding for the use of the forces at Windsor, Plymouth and Grenada - -	216	19	6
Dec. 3. To Messrs. Cox and Mair, for so much			

advanced

1778.	£.	s.	d.
advanced by them for a prosecution carried on against Robert Boyd in Ireland - -	328	3	6
Dec. 11. To Lieut. Gen. Keppel, for contingent expences of the army encamped at Coxheath, from 28th May 1778, to 14th Nov. following - - - -	322	12	9
Dec. 16. To Lieut. Gen. Burgoyne, to replace horses belonging to the 16th regiment of dragoons lost on service in 1776 and 1777 -	1891	0	0
Do. to replace 19 do. belonging to the officers of do. regiment - - - -	285	0	0
To Maj. Gen. Fawcitt, for his contingent expences as deputy adj. gen. from 10th Dec. 1777, to December 1778 - -	467	12	0
Dec. 21. To P. Tonyn, Esq. gov. of East-Florida, for keeping up a schooner, for the service of the said province, for one year, to 29th August 1779 - -	417	5	0
1779.			
Jan. 7. To Capt. A. Snape Hammond, of the Roebuck man of war, for bringing Earl Cornwallis from America to Great-Britain -	150	0	0
Jan. 14. To Col. W. Roy, for the expences of the commissariate, from the opening of the campaign, to 24th Dec. 1778 - -	1266	14	5
Jan. 25. To J. Trotter, Esq. for hospital bedding for the forces at Dover Castle -	163	15	3
Total -	£.2,026,137	4	4½

C. JENKINSON.

War-Office, 12th March 1779.

Mr. *Fox* rose in his place, and began his speech with observing, that possibly the resolution he should have the honour of proposing to the house, would, by the noble Lord in the blue ribbon, be called a strange one; for so he observed it was the fashion with the noble Lord to term every motion which was proposed from that side of the house, and which did not immediately meet the wishes of the noble Lord. He should nevertheless proceed to open his motion, or rather his two motions, to the house; for he

had two to propose, and which, as they in a manner depended upon each other, he had thought it right to propose and speak to on the same day; at the same time assuring the house, that he meant not to trouble them with any other motion till after the holidays, when he should offer one more, which would generally refer to all that he had already had the honour of moving in that house. He observed, that he had made several propositions, stating, that our navy was not adequate to the necessary services from time to time; which had been negatived, on the grounds stated by the King's servants, that we had thirty-five ships ready for actual service in the month of November 1777, and seven in a state of preparation so as to be ready for sea in a fortnight, and that in the month of June 1778, our naval force was such as to be adequate to all the services required. He had made a motion directly the reverse, but the opinion of the house was against him. His present motion would be engrafted on this negative, which he knew to be false, viz. "That our navy in the month of June last was adequate to the important crisis." This being the ground of his first motion, and of his second, it would be productive of this dilemma: that our force having been adequate, and not properly employed, administration were deserving of censure; or, if inadequate, that then it must follow of course, that the house, in putting a negative on his motion, had resolved what could not be supported either by fact or reason.

His first motion, he said, was, that the not sending a reinforcement to Lord Howe at New-York sooner last year, was a gross piece of misconduct and neglect in his Majesty's servants: his second, that the not sending a fleet to the Mediterranean last year, was a piece of gross misconduct, &c. The two propositions were substantially, he said, the same, though directed to two different objects; because, if Lord Howe had been reinforced, or the Straits of Gibraltar watched, in either event the effect would be similar; that of securing to Lord Howe the full advantage of the force under his command, or giving him a superiority in case the Toulon squadron was permitted to cross the ocean. Here then the alternative was, that either our naval force was adequate in the months of February, March, &c. to these services, or it was not; if adequate, the not reinforcing of Lord Howe was, in the terms of his motion, a gross piece of misconduct and neglect; if inadequate, which he had no doubt

doubt was the fact, the censure contained in his motion was equally well merited.

Having surrounded ministers with this dilemma, from which he contended it was impossible to extricate them, he proceeded to explain what he deemed to be the true point at issue, from what had fallen from gentlemen within doors, and from what he had heard in conversations without doors; that some independent part of the house voted with administration, not because they believed the force adequate, but upon motives of conscience and justice. Said they, "we have brought ministers into a dirty lane; we have encouraged them to prosecute the American war; let us bring them through, and not basely desert them in the moment of distress, occasioned by measures of which we have been the authors." This mode of reasoning, he said, was apparently mistaken, and the motives misconceived; they had not brought ministers into the American war, but ministers had led them into it by misrepresentations of all kinds, by promises broken as often as they were made, by false hopes, false fears, and by every species of political delusion whatever. He then made a particular application of the whole of the measures respecting the American war, the promise of a revenue, of obtaining unconditional submission, and, finally, with giving up every object contended for at the outset, and promised in the future progress of the business. He charged the noble lord in the blue ribbon with an act of public perfidy, with a breach of a solemn specific promise. He reminded the house, that, in February 1775, his Lordship moved his conciliatory proposition, and pledged his honour to the house and nation, that he would never agree to any measure which would go to enlarge the offers therein made; yet, at the end of three years, after sacrificing thirty millions of money, and thirty thousand lives, his Lordship, in the same assembly, not only solemnly renounced all claim to superiority, revenue, and internal legislation, but consented, by the mouth of his commissioners, to the giving up the monopoly of the American trade, the appointment of governors, and all subordinate officers, and the royal prerogative of keeping up or sending an army in any part of the empire his Majesty might think proper.—From this state of facts he drew this conclusion; that ministers led the Parliament into the war, and had broke the promises which induced Parliament to adopt the measure; that the motion, as stated by him, involved a dilemma which

incontrovertibly proved the charge of misconduct and neglect, and of course, that those gentlemen who voted upon independent principles were neither bound by previous engagements, subsequent measures, nor any obligation of honour, to vote against their conscience and conviction.

He then animadverted on the conduct of the noble Lord, whose arrogance, he said, was unpardonable. His unreserved contempt of the whole body of the people of England, without doors, was no less indecent than ungenerous. To treat his best benefactors in so haughty a style as to lump them indiscriminately under the appellations of populace, coffee-house readers [See Lord North's speech, this day, page 179] was a language that did not become any member of that house, much less a minister, who, to be able to serve his country, should always endeavour to be popular, and secure the good opinion of the people in his favour; much less, a minister who had led them by the arts of specious delusions into those dirty ways, which it would be very difficult to wade through, without the utmost danger from surrounding perils. He presumed the noble Lord included every person who differed with him under the contemptuous description of populace and coffee-house readers; but he begged leave to remind his Lordship, that his former motion was supported by 174 independent members, while those who voted with him were either persons who, from their situations, were in a great measure obliged to support him, or were composed of those gentlemen who erroneously imagined that they were bound in honour to get him through a dirty lane, into which his Lordship (not they) had led the way.

Speaking of the present ministers in general, he said, that they were so lost to every sense of shame, that they exerted their influence in that house in a manner equally disgraceful to themselves, and to those who supported them. Their arguments in controversion of his late motions, motions which were founded on indisputable facts, and facts which were admitted every where but within those walls, reminded him of what he had once read in a book written by a man of acknowledged abilities, though his principles were not much admired. The writer he alluded to was Mr. Hobbes, who, in one of his prefaces, speaking of the powerful operation of self-interest in all matters of controversy, said that there were men who, for the sake of argument, when upon that argument depended their emolument, would strenuously contend that three angles of a triangle

gle were not equal to two right angles, and that sooner than give up their interest, they would give up their reason, and hold arguments directly repugnant to every principle of reason or common sense. [Vide Hobbes's Leviathan, chap. iv. of speech, and chap. v. of reason and science.] He applied this quotation to the conduct of ministers and their adherents.

He declared that his motion warranted a great deal more of argument than he had used, but as he had taken up the time of the house perhaps too much of late, and as in the discussion of the several motions he had the honour to offer within the course of the last four weeks, the substance of his present motion, and of every thing which referred to it, had been introduced into debate, he would no longer trespass on the patience of gentlemen, or mis-spend the time of the house. He therefore read his motion:

"That the not sending any reinforcement to Lord Howe before the month of June last, was an instance of neglect and misconduct in his Majesty's servants."

His other motion, which he also read, was, "That the not sending a fleet to the Mediterranean, was an instance of misconduct and neglect in the King's servants, especially considering the early intelligence they had of the equipment of the Toulon fleet."

Lord *Mulgrave* confined himself to prove, that the navy, in November 1777, was equal to what had been stated by a noble Lord in the other house [Sandwich], that we had at that time thirty-five ships actually ready for sea, and seven more which would be ready, not in a fortnight, but in a few days; and that in March we had six more, in all forty-eight. He read a list of the ships, some of which he said were afterwards under considerable repair. His Lordship added, that two ships were sent to reinforce Lord Howe before Admiral Byron sailed.

Lord *North* began with saying, the honourable gentleman had said, that he should deem his motion a strange one; the honourable gentleman certainly knew what epithet best applied to his motion, and he was free to say, that having heard it, he was of the honourable gentleman's opinion; it was a strange motion, but the mode of supporting it was still more strange; the honourable gentleman resting it altogether on facts, which he declared, he not only did not believe, but which he knew to be false. He says he does not believe our fleet was equal to the several services, and yet he

desires the house to pass a vote of censure on the King's servants, for neglecting to employ a force which he asserts himself was not in existence. He did not believe that we had half the ships which appeared upon paper; yet he now wanted to pass a censure for abandoning the home defence. These were ideas very different from those of an honourable admiral, whom he did now not see in his place [Admiral Keppel.] That gentleman, a few nights since, gave it as his opinion, that it would not be prudent to detach in the then situation of affairs; besides, if the honourable gentleman meant to carry both motions, they substantially contradicted each other; for if Admiral Byron had been sent to Gibraltar or America, both measures could not be necessary: if D'Estaing had been kept within the Mediterranean, Lord Howe would not have wanted a reinforcement; if, on the other hand, a reinforcement had been sent to America, there would have been no occasion for a squadron in the Mediterranean.

His Lordship attacked Mr. Fox upon his personal allusions. He charged the honourable gentleman with falsehood and misrepresentation. He denied that he had ever pledged his honour, that he would never go further in his concessions than the terms of the conciliatory motion of 1775; and though he had, he contended that he, as well as every other person, was fairly at liberty to alter his opinion, upon a change of circumstances. The conduct of France had brought about that change; and he was fully justified in accommodating his conduct to the existing circumstances and exigencies of public affairs.

His Lordship observed, that the honourable gentleman came into the house totally unprepared; and if he had not fortunately caught an expression of his, which had inadvertently fallen in the heat of debate, relative to the populace and coffee-house readers, he must have trusted the fate of his motion to chance. His speech called to his recollection those charts he had seen of desart and uninhabited countries, where the geographer is obliged to fill up the void spaces with the representations of elephants and other wild beasts; and his now giving notice that he would, after the holidays, consolidate all his motions into one, brought strongly, he said, to his memory, two lines of Mr. Pope:

> "Destroy his fib or sophistry in vain,
> "The creature's at his dirty work again."

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His Lordship said, he did not mean to apply this couplet in the offensive sense of the words to the honourable gentleman; by fib he meant mistaken or false facts; in short, he cited the poet only to shew the honourable gentleman's industry and ingenuity in fashioning the same thing into so many forms.

In answer to the quotation from Hobbes, his Lordship said, that there were persons who would, under such an influence as that supposed, contend that a triangle might be so formed as to contain two right angles.

Mr. *Vyner* said, he supported ministry because he hoped they would pursue the war with vigour and great exertion. That in the course of last summer he was particularly pleased with an expression which he had met with in a newspaper, wherein it was stated, that the French complained of the ravages which the English privateers made in their trade, and termed those enterprizing vessels, *les loups de mer*. The idea exactly met his wishes, as to the maritime character of Great-Britain; and he hoped we should continue to deserve it from all the world as well as France. He said, great inconvenience must attend a change of ministry at this crisis, when large fleets were going out, and important expeditions begun; for, if new ministers came, new measures would be adopted, which he thought would be highly improper in our present circumstances, when all that was wanting to ensure success, was exertion, spirit, and alacrity of execution. He said, he saw clearly, that the honourable gentleman who made the motion, was the minister on that side the house, and therefore he would tell him fairly upon what condition he should have his support, whenever he came into office. The condition was, that he would retract two thirds of all he had ever said since he had been in opposition, and disavow every one of his present political principles.

Mr. *Burke* took the honourable gentleman at his word, and said, he did not at all wonder at his warmly supporting the present ministry, whose conduct so directly met his political opinions; for that it was the great characteristic of the noble Lord in the blue ribbon, and his adherents, to eat their words, and to renounce their principles. Having made the most of this turn, Mr. Burke went into an argument of refutation of all that had fallen from Lord North and Lord Mulgrave; he particularly attacked the former noble Lord's quotation, and said, that it rather applied to the conduct of ministry, than to the conduct of his honourable friend who made the motion; that it seemed to be the favourite plan of

administration,

administration, to remove towns, in order to place elephants in their room; that they had burnt Norfolk, had burnt Old Falmouth, had burnt Esopus, and meant to have burnt Charles-town, merely to make room for the stables in which the noble Lord's elephants were to be placed. That the noble Lord's reply, in answer to his honourable friend's quotation, respecting the equality of three angles of a triangle to two right angles, was a mere *tu quoque*, the most pitiful reply that could be adverted to in controversy.

He then confirmed, by a variety of references to facts, that the noble Lord had not only broke his word to that house in every single promise he gave, but likewise to the only dutiful province in America, that of Nova Scotia, which closed in with the offer made in the conciliatory proposition of 1775. They had in their legislative capacity accepted of the resolution; they had petitioned Parliament. Parliament had taken their case into consideration, and proceeded so far as to come to resolutions for the purpose of bringing in a bill. A bill was actually ordered to be brought in; but was afterwards never heard of. Thus, whether Parliament, or the people of Nova Scotia were concerned, the noble Lord in the blue ribbon, in the language of his honourable friend, had acted with perfidy and deceit. How then was it possible for America to trust to the assurances of such a man, or any promises or engagements made by an assembly, whose deliberations he was presumed to sway and direct? To the Parliament of Great Britain he had pledged himself upon his honour never to grant broader concessions than those contained in his conciliatory proposition. To the council and representatives of the province of Nova Scotia he held out the same proposition, as the basis of all future political connection between the province and the parent state. On the whole, his Lordship had forfeited his word with the British Parliament. He had offered to the Thirteen United States what they refused to accept of; and had refused to grant to the loyal province of Nova Scotia what he offered, and they were willing and immediately ready to accept of.

He laughed at the honourable gentleman's [Mr. Vyner] mention of the exertion and vigour of ministry, ridiculing Lord North's personal character of indolence, which, he said, was to be taken as the barometer of ministerial exertion and ministerial vigour. He declared, that so far from aiming at the places of the present ministry, he knew not one gentleman on his side of the house who acted on so mean and mercenary a principle; that, in fact, administration had brought

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the country into so disgraceful and desperate a situation, that their places were not worth accepting, and were places of great danger. He concluded his speech with giving his hearty assent to the motion.

Mr. *Dundas* [Lord Advocate] began with saying, that if it was fair for opposition to impute charges of criminality, and charges deserving censure, to ministers, it was equally fair for him to impute similar charges to opposition; that opposition rested their charges merely on unproved assertion; that, on the contrary, the defence of ministry was founded on well-known and well-ascertained facts; that our success, since the commencement of hostilities with France, was an ample justification of their conduct; that the trade of France was almost ruined, by our repeated captures of their merchantmen; that the capture of St. Lucie was an undeniable proof of the activity of ministry, and the secrecy of their operations; that he was last year one of those who had differed greatly from ministry in opinion, respecting the measure of sending out commissioners to America; that he then thought it exceedingly wrong to make any further concession; he was now, however, ready to acknowledge, that the ministry acted most wisely in that respect; the measure was highly necessary, and the event of it shewed, that it was highly expedient and useful. That single occurrence had reconciled many jarring opinions, and united most men in one sentiment respecting America; the argument that they were fighting for freedom would no longer hold; it was now evident, that there was a settled disgust against this country in America; that the Americans wished to separate from any connection with us, and would go any lengths to effect such a separation. When France made her treaty known by the rescript delivered to Lord Weymouth by the Marquis de Noailles, he was perfectly convinced France did not imagine we should commence hostilities against her, but had been induced to believe that this country was tired of the American war, and would be glad of any pretence for abandoning it, and acknowledging the independency of those colonies who called themselves the United States. France had seen the difference, and he did not doubt she was heartily sick of her treaty; if she were not, a vigorous continuance of operations against her and against America, would make both the one and the other wish for a dissolution of their treaty. America, at present, owed more than she could pay. Her debt was enormous. The present ministry were almost sure of success if they pursued the American war with vigour, which he hoped

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was their design, and in that case he scrupled not to declare that they deserved the support of every good subject. With regard to the present motion, it would be right, before any gentleman gave his vote either for or against it, to recollect the precise dates of the various transactions to which it referred, a circumstance that had not been adverted to in the early part of the debate. He then pointed out the days of the month, and the months in which Mons. D'Estaing sailed; in which the orders were sent out to Philadelphia; in which Lord Howe sailed from Sandy Hook in pursuit of Mons. D'Estaing, and in which Admiral Byron was dispatched to follow Count D'Estaing, inferring from the whole, that the present ministers had acted with a proper degree of caution, activity, and vigour.

Lord *Howe* rose next, and said, that notwithstanding the delicacy of his situation respecting the present question, and the embarrassment which he must necessarily feel in speaking to a matter which so nearly concerned himself, that he could not sit silent after what had fallen from the learned and honourable gentleman who spoke last, and the noble Lord who had a seat at the admiralty-board. The noble Lord had said, that two ships had been sent out to him previous to the sailing of Admiral Byron to America. It was very true, two ships were sent out, but not as a reinforcement; on the contrary, the ships were sent out with express orders to him to send them back; the one of them brought the commissioners, and the orders respecting that ship were, if the commissioners found it necessary to stay but a short time in America, they were to come back in the ship that brought them; if they thought it proper for them to continue in the country, another ship was to be sent home immediately of the same size and number of guns; and the same directions were given respecting the other ship; so that his fleet was not in the least reinforced by the two ships mentioned by the noble Lord. When Philadelphia was evacuated, and he was sailing down the Delaware, he was met by a packet from England, which brought him advice of the destination of the fleet of Mons. D'Estaing, and fresh instructions; the packet also told him, that she had, within a fortnight, been chaced for two days by the French fleet, so that they could not be far off Sandy-Hook; at that time he was preparing to comply with some orders he had lately received, to dispatch all his fleet but three ships on an expedition to the West Indies. He was left entirely in doubt, between his old and his new instructions, the latter not correcting or contradicting the former; the *circumstances* of affairs, however, induced him to consider the

the situation of the army, and to collect all the maritime force in those seas, to prepare both for his defence and for an attack on Mons. D'Estaing, in case such a matter appeared, either from the situation of the French fleet, or from circumstances, adviseable. He said, that had the French fleet got to Sandy-Hook, all the naval force that England could send out, could not have saved the army, who must have been starved, as the victuallers could not in that case have reached the port of New-York, and the supplies would have been effectually cut off. He mentioned the arrival of one of Admiral Byron's fleet, which brought him information, that the fleet was destined to New-York, although his last instructions gave him to understand that Admiral Byron's fleet were to rendezvous at Halifax. His Lordship complained greatly of the treatment which he had experienced at the hands of the first Lord of the Admiralty, and of the attacks on his character which had been made in the newspapers, and which he had no doubt were encouraged by those in power. He said, he was aware that newspaper writers were generally held in contempt; but he begged leave to observe, that an officer's fame was easily sullied, and that it was a principle in mathematics, that the smallest individual atom of matter might affect the motion of a large and powerful body. He conceived, where officers, even if they had erred, had only erred in judgment respecting trifles, and had not been guilty of any fault essentially mischievous or detrimental to the general welfare of the state, it was the duty of ministers to support them, and bear them through against every attack. He concluded with asserting, that a reinforcement of five or seven ships ought at any rate to have been sent him as soon as the equipment of the Toulon fleet was known; that had it not been for the providential circumstance of Count D'Estaing's squadron being injured by a storm, and the safe arrival of the packet which brought him the news of the destination of the Toulon fleet, and enabled him to make some sort of preparation, both the fleet and army must have fallen sacrifices; for these reasons his Lordship said he should vote for the motion.

Gov. *Johnstone* said, that until he had heard an honourable admiral [Admiral Keppel] in his place, upon a former debate declare, "That after administration had received intelligence concerning the destination of the Toulon squadron, he, the admiral, was of opinion, that the ministers had done every thing in their power to assist Lord Howe; that they had not force sufficient to send a fleet to the Mediterranean; that besides, it would have been too late to stop the Toulon

squadron

squadron at the Straits mouth, after intelligence had been received of their sailing; and to have sent off a squadron for North America, before it was evident, from the course D'Estaing held, that he was bound to North America, would have been equally wrong and imprudent; and that from the moment the frigates arrived, marking D'Estaing's destination, every dispatch was used in sending Admiral Byron, and therefore respecting that transaction he could not blame them.

He then proceeded thus: I say, before I heard this opinion solemnly delivered by so able an officer, who was then at the head of the fleet, and who was probably consulted, I never entertained a doubt that administration were highly to blame in not previously sending a reinforcement of five ships of the line to Lord Howe: undoubtedly, after so respectable an authority, gentlemen ought to weigh the circumstances well before they pronounce a censure upon the conduct of ministers, who were supported by so able an opinion in the arrangements they had made. But I, who do not form my decisions on the mere opinions of others, and am not apt to change my sentiments unless I am convinced by sound argument, do still maintain, that administration ought to have sent off five ships of the line to North America, the moment they received the intelligence that rendered it probable D'Estaign was bound there. That intelligence, added to many other circumstances, shewed to a degree of demonstration, that the Toulon squadron could be bound to no other place. Mr. Dean, the agent for the Congress, was on board: Mr. Gerard, who had signed the treaty with the American deputies, was on board; much merchandize was embarked; the fate of our own fleet and of our own army were at stake; the principal object of the war depended on preventing any bad effects which this squadron might produce in North America without a timely reinforcement, and therefore every thing called for the measure which I contend should have been adopted; for although I am far from thinking the consequences would have been so fatal as the noble Lord who spoke last, and other gentlemen, have painted them in the course of the debate, or that we were totally destitute of the means of resistance, if the squadron then under the command of Lord Howe had been collected, as administration had reason to suppose, yet in that case the decision would have been doubtful, and with the chance against us, and upon any unfavourable event, the blow would have been so severe, that it is not probable we should have recovered from the effects *during the* war; and therefore the risque was such, that no pru-

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dent men, having the conduct of national affairs, should have hazarded the consequences, especially when they had both the means of avoiding it with certainty, and the chance of destroying the Toulon squadron. But, Sir, I will always be fair in my arguments; I impute this delay to the unjust fears that were then propagated, and are still propagated, with a view to stop the vigorous exertions of government, of the dreadful consequences in case the French should enter the channel with a superior fleet. For my own part, I have no such dreadful apprehension from such a measure; I wish I saw them there with even four or five ships superior, I would give them this advantage to have the chance of more beneficial consequences. I remember this situation, so much dreaded, happened within my own memory. When I went first to sea, in the year 1744, the French got as high as Dungeness; but the exertions at that time, as we should find them again on a similar occasion, soon fitted out old guard-ships, hulks, and every thing capable of bearing a battery, till we were able to face them in six or eight days. The enemy escaped by mismanagement; but in case they had come to an engagement then, or shall ever venture a battle hereafter in the Channel, let it be remembered, that Nature has given us numerous ports in the Channel for the protection of the largest ships, while the French, on the contrary, as if Providence intended we should be the mistress of the narrow seas, have not one port from Ushant to Graveline which a line of battle ship can enter. As westerly winds in general prevail, what then is to become of disabled ships in the event of a well-fought battle? They must run to Norway or Denmark, the very place where I should wish to see them safely lodged, entirely out of the way of injuring us.

As I differ from the noble Lord who spoke last in almost every thing he has said, I will consider the heads of his discourse separately, and give my reasons to the house for this disagreement. His Lordship first alledges, that no reinforcement was sent to him, because of the two line of battle ships mentioned by the noble Lord at the admiralty, one was intended to attend on the commissioners in case they thought proper to return immediately, and the other was destined to bring his Lordship home; still the two ships, Trident and Ardent, were there; the admiralty had a right to reckon upon them, as it could not be supposed that either the commissioners, who sailed in the Trident from England a week later than D'Estaing sailed from Toulon, or the Ardent, who sailed with

with the convoy a little before them, could possibly have left the ports of North America before the packet, which sailed the 5th of May, would announce the approach of the French squadron, and therefore they were ships to be considered as on the spot, to be used and depended upon as the event has proved. The admiralty had further reasons to expect that the whole of Lord Howe's force would have been collected, especially the two-decked ships, because they had sent his Lordship very early notice of the sailing of Monsieur la Motte Piquet, and of the certainty of a war with France: in this case his force was far from being despicable. Why the two-decked ships were not collected after two months notice, is a question on which I am persuaded his Lordship will be able to give very good reasons; but here I acknowledge I am speaking from general information, without having seen the particular orders transmitted to him, which his Lordship states as being liable to two interpretations; and this brings me naturally to remark the improper mode of our present proceeding, in proposing severe censures, without bringing the whole of the evidence necessary to understand the transaction before us. I can vote upon the subject, because I am sufficiently acquainted with the facts necessary to form my judgment; but I question if an hundred members in the house know the actual force Lord Howe had under his command, or the confidence the admiralty could have that this force would be collected, besides many other circumstances that should be in proof to form a judgment on the present question.

The next point the noble Lord states, and the honourable gentleman who made the motion has inforced the same argument, is, that in case Mons. D'Estaing had found our army at Philadelphia, and our ships in the Delaware, that the army would have been starved, and the shipping destroyed. This opinion is general throughout the nation; it has been favoured by the friends of administration, to enforce the wisdom of their measure in abandoning Philadelphia so opportunely as they did. It has been agreed to by this side of the house, to magnify the risk which our fleet and our army run by their bad management. But on this subject, as I may probably do on many others, I differ from them both. I maintain, as I always have done, that the abandoning Philadelphia at the moment we did, was most fatal to our affairs in North-America; and that supposing no such orders had been given, and Monsieur D'Estaing had arrived off the Delaware as he did,

that neither the ships in that river, nor the army at Philadelphia, run any risk from that circumstance, for six or eight weeks at least, by which time we must have been relieved from any impressions of restraint, by the navigation of that river being interrupted. First, I say, that the navigation of that river is so intricate, that supposing the buoys cut away, the best pilots of the country could not have traced out the channel, to have ascended the river with such ships as those under Mons. D'Estaing, in eight or ten days. Next I assert, that none of the 74 or 80 gun ships, without being lightened, could have passed the flats, as the Trident went on ground twice, at the top of high water, not from missing the channel, but from the shallowness of the water, and this ship draws three feet less water than any of the French 74 gun ships. Thirdly, I assert, that supposing Mons. D'Estaing, with his whole force, had actually ascended the Delaware, above the flats, that all our ships, both men of war and transports, could have been moved, in safety, above the chevaux de frize; or the transports could have been removed above the chevaux de frize, and the ships of war moored in a half moon below, with flanking batteries on each side the river, which was in possession of our army. We should also have had the advantage of sending fire-ships down the stream among the enemy. The river is not so broad as the Thames at Gravesend, and D'Estaing, after passing through a hot fire in ascending, must have been repulsed in the same manner which experience has demonstrated we were capable of doing by the late attack at St. Lucia, where Admiral Barrington, with a very inferior force indeed, has shewn what men, not willing to despair, can accomplish. For my own part, after considering the subject on every point, again and again, I really think, so far from any danger by the direct application of the force of the enemy in the Delaware, that there was hardly any risk from any thing that could have been done by them, in that river, against the resistance of our ships and army; New-York would have been the place in danger. But it is always to be remembered, if orders had not been given for leaving Philadelphia, our great ships of war would not have been in the river Delaware, and therefore New-York was equally capable of receiving the defence, which they actually did present when D'Estaing came off that port: so that on every alternative, the operations of his force would have been equally abortive. But the noble Lord says, the army would have been starved. To my knowledge there was five weeks provision for the army at Philadelphia, and still greater quantities

in the river, when we arrived there, though it had been determined to leave the place. If General Clinton had been to begin his campaign in Pennsylvania, undoubtedly he would have had a larger stock of provisions in store there, and therefore it is not a just argument to confound the consequences of mixed plans. But as the case happened, five weeks provisions could, without hardship, have been prolonged to ten. The fertile countries of the Jerseys and Pennsylvania, and the lower counties on the Delaware, would have been open to us, and all of them abounding in provisions. On the first movement of our troops, Washington must have crossed the Susquehanna, and left all those plentiful regions to our forage; even as matters then stood, confining ourselves to Philadelphia, without an out-post, provisions came into the town in the greatest abundance. I have heard much of the starving and various distresses which the army underwent since I came to England; but I was an eye-witness to no such scenes of misery; on the contrary, the most plentiful markets I ever beheld were at Philadelphia and New-York. The troops lived as well as could be wished, and rather in too great abundance for the hardy deeds of a soldier. Things were dear, but not from any want in the articles, but the great plenty of money circulated by such a fleet and such an army, with their several attendants. It is therefore clear that we did not escape the bad consequences that might be dreaded from the Toulon fleet, from the orders which were given for abandoning Philadelphia; on the contrary, the imminent danger, and greatest risk which we run, was from those very orders; for I admit, if D'Estaing had catched our ships at the critical moment after our army had abandoned Philadelphia, and when we were coming with the men of war and transports from the Delaware, the blow would have been most disastrous: nor can administration take any credit from those orders, without leaving themselves devoid of excuse in the present question; for, surely, if they had ordered Philadelphia to be abandoned, with a view to the operations of the Toulon fleet, or any force that might be sent by France, they are doubly criminal in not sending timely reinforcements of ships to defeat the views of the enemy, which they had so clearly foreseen: neither can administration claim the merit of the success of the troops in the West Indies, as the good effect of that order which the learned Lord had ascribed to them; for in case those troops had sailed, as was intended, half would have been in their graves at this moment. They would have proceeded in the hurricane months, at the most sickly season. As the case has happened,

happened, they went in the most favourable season for performing those voyages, and for active operations in that climate. I was equally willing the troops should have been employed in the West Indies in the winter time as the learned Lord, but I say they might equally have done what they have now performed, and have acted four months in North America against the revolted colonies, at the most critical moment of our dispute, where retreat upon concession was fatal to our cause.

I shall now proceed to examine the other positions laid down by the noble Lord, and the subsequent conduct he held relative to those transactions, as far as they refer to the subject now before us.—I know how justly high the character of the noble Lord stands for naval reputation; no man could esteem it in a higher degree than I did myself, before the transaction I am going to speak of. Perhaps my disappointment was the greater on that account, and the estimate I made of the force of the enemy was less, from the opinion I had of the vice-admiral who commanded our fleet. I understand his conduct has received repeated applause from officers of high reputation in this house, while I was absent, from sickness; but this shall not prevent me from speaking my own opinion freely on this and every other subject. I have been told the two noble admirals have been pouring incense on each other's heads in very copious streams. I agree they stand in the most respectable light, on account of their former services; and I also agree with my friend below me, that in case any minister has been guilty of any improper conduct, that has driven such men from the service of the state, at this critical moment, when the exertions of all good men are so much wanted to repel the common enemy, that such a minister should feel the indignation of this house, and of his country at large. But if it should appear, on the other hand, that any set of military men, in their several pretensions, are become too high for the state, I hope there is still left in the nation virtue and spirit sufficient to repel such claims, and ability enough to be found in the naval department to resist the power of our enemies, if they were dead.

Administration has certainly great credit in dispatching the two packets from Falmouth, to give the noble Lord notice of the sailing of the Toulon squadron; and the packet that did arrive in America having fallen in with that squadron, from every particular which the captain related, it was evident to me, beyond a doubt, that they were bound to sweep the coast of America, from Virginia northward.

The packet arrived the 29th of June, and certainly gave sufficient time for every preparation to be made for receiving

the enemy, who did not arrive off New York till the 11th of July. Whether those preparations were made, or otherwise, is a question I shall not now enter into. I mean at present only to take notice of some assertions in a pamphlet* that has been circulated with great industry, as preparatory to mislead our judgments in the question of to-day. I shall make but very few quotations, so the house need not be alarmed, lest I should read the whole, as was done by another pamphlet in a former debate.

This performance I can hardly attribute to the noble Lord to whom it relates: it is too fulsome flattery for me to suppose he had any share in it, or that he can give it the least countenance now; nor should I have envied his Lordship any of the praises bestowed by so idolatrous an author, if he had not taken notice of so insignificant a person as myself, and misrepresented my opinions. His patron might have enjoyed the glory of making a bridge of boats to pass the army over the rill that separates Sandy Hook from the main, with the assistance of all the boats from fifty sail of pendants, four hundred transports, and two hundred flat boats, without my interference. I am willing the house should understand this marvellous work was equal to every thing in ancient story, and even superior to Cæsar's bridge over the Rhine; but in that part which respects myself, I cannot so easily submit. The author begins by making an apology for obtruding on the public "the rough unpolished language of a seaman, little versed in the elegancies of composition, and unambitious of the praises of a brilliant diction, or the smooth flow of well-rounded periods." I shall read but one quotation more of this flowery turgid performance, in order to shew that this pamphlet could never be the production of any seaman. In page 34 he says, "Majesty itself was brought forward to favour the deceit, after having been first deceived, and every meretricious artifice of pomp and shew put in practice to cover our weakness, under the hands of our state quacks. The nation assumed the false and transient flush of a consumptive patient, while she languished interiorly, and her whole frame was menaced with speedy dissolution."

After hearing such bombast, I suppose the house are sufficiently able to judge whether any rough seaman was concerned in this narrative.

The

* Candid Narrative of the Transactions of the Fleet under the command of Lord Howe, in America.

The author, after stating the miserable, lamentable, affrightened situation in which we were placed at New-York, proceeds in saying, page 15, "Yet a gentleman, who at that time obtruded himself into the society of those officers, who, in their company, was the loudest in bewailing our deplorable situation, and the desperate card Lord Howe was forced to play—whose invectives against the first lord of the Admiralty, as evidently designing, by a delay of succours, to destroy or disgrace the vice admiral, were the most pointed and virulent. This gentleman now hesitates not to assert, that Lord Howe enjoyed a superiority over the French commander, and should be accountable to the public for not having availed himself of this superiority. I write not from the information of the shameless editor of the Morning Post. That he hath hazarded this assertion to men in power, I know from the most respectable authority. Yet this man was once a sea officer? The lists of both fleets lie before the public; let them answer this no less upright commissioner, than experienced captain. Nor can Governor Johnston be offended if his assertions on this subject be esteemed, by the writer of this narrative, so rash and ignorant as to deserve no other refutation than what must occur to the meanest capacity—to those who are the least conversant in navy matters. The same lists shall stand in opposition, even to higher authority, to the authority of the great Lord who so worthily presides over the navy department. For he too, from his place in Parliament, when called upon officially to quiet the fears of the people, blushed not to have recourse to misinformation and falsehood."

Now, Sir, I assert, before you and the whole world, that what is here imputed to me by the author of this pamphlet is not true. I never obtruded myself into the society of any set of men; the moment I heard the French fleet had appeared, I thought it my duty to go down to Sandy-Hook in the night to offer my poor services; neither did I ever bewail our deplorable situation from the circumstance of the French squadron coming on the coast of America. I thought it a lucky circumstance. I expressed that sentiment to all with whom I conversed. I am glad I did not know the imminent danger we were in until I came to this city, the center of all true intelligence, otherwise I might have passed more uneasy hours. I also deny, that ever I asserted that Lord Howe had a superiority over the French squadron when they appeared off the port of New-York. If the noble Lord can remember any thing that passed between him and a person of so little consequence as myself, he must know, that so far from entertaining

that sentiment, when the noble Lord talked of going out of the harbour to give them battle, I said that I thought he was not of sufficient force to hazard an engagement; but I always thought, with a proper disposition of his force, he was fully capable of defending the entrance of the harbour. What I said then, and what I assert now, is, that after the junction of the Cornwall of 74 guns, the Reasonable of 64, the Renown of 50, and the Centurion of 50, all heavy metal ships, Lord Howe was equal, if not superior in force to the French squadron. I give it also as my opinion, with deference to better judgments, that when his Lordship appeared off Rhode-island, though he did not take the whole of his force with him, that he was fully equal to Monsieur D'Estaing, and I reckon in the following manner:—his fleet was the best manned that ever went to sea, commanded by brave, judicious officers; the French were ill manned and sickly, and damaged upon entering and returning through the fire of the batteries on Rhode-island. I shall read the list of the two squadrons, and the manner I class them:

	Guns.	*Pounders.*			*Guns.*
I esteem The Cornwall of	74	18 and 32		match for the Cæsar of 74 which was beat by the Isis of 50 guns.	
Eagle of	64	18	24	for the Languedoc of	84
and Experiment of	50	12	12		
Trident of	64	18	24	for the Tonnante of	80
and Roebuck of	44	9	18		
Reasonable of	64	18	24	for the Guerrier of	74
and Phœnix of	44	9	18		
Somerset of	70	18	32	for the Hector of	74
Nonsuch of	64	18	24	for the Protecteur of	74
and Richmond of	32	12			
St. Albans of	64	18	24	for the Zeleé of	74
and Venus of	36	12			
Ardent of	64	18	24	for the Marseilles of	74
and Pearl of	32	12			
Preston of	50	12	24	for the Valiant of	64
and *Apollo of*	32	12			

Isis

	Guns.	*Pounders.*			*Guns.*
Isis of	50	12	24		
and				for the Provence of	64
Vigilant of	20	24			
Centurion of	50	12	24		
and				For the Fantasque of	64
Sphinx of	20	9			
and					
Renown of	50	12	24	for the Sagittaire of	50
				[9 and 18 pounders *.	

But it may be said, although Lord Howe had a superiority, by the addition of his heavy frigates, yet it was impossible they could be brought to act in the disposition in which I have placed them. This I admit, but at the same time I contend, that Lord Howe had a complete line of heavy ships capable of lying along-side the French ships, and in half an hour's action, every one knows the line of battle must be broken, when all the frigates could come to have acted to the utmost of their force. If this is not admitted, it would be impossible for Lord Howe, or any other officer, to have availed himself of the advantage of any number of larger ships; for supposing his frigates had all been fifty-gun ships, still no greater number than the ships opposed to the enemy's line can act at the beginning, until they are broken and scattered, which must always happen, as I said before, in half an hour, in every sea engagement. The generality of mankind are confounded in their opinions by the weight of metal, and the number of guns stated, without knowing the real circum-

* Lord Howe had, besides these, the Nautilus sloop of 18 guns, Carcass and Thunder bombs, Strombolo, Sulphur, and Volcano fire-ships, four row gallies, and two tenders, besides the Leviathan, capable of mounting 70 guns, and actually carrying 44 guns, left at Sandy Hook; and the Nabob and Supply, two old East India ships, taken into his Majesty's service, and mounting 36 guns each, and 236 men, who sailed with the fleet, but which Lord Howe sent to the West Indies. If too weak, why leave the Leviathan behind? Why detach the Nabob and Supply? Will any seaman say that the ships, as they are arranged, can be deemed inferior in any point of the line? But the Languedoc was dismasted, and lost her rudder in the storm. The Marseilles was dismasted in the storm. The Cæsar was beaten by the Isis, and driven to Boston. The Monmouth of 64 guns, another of Byron's squadron, had joined Lord Howe at Sandy Hook on the 18th, yet D'Estaing lay at anchor in the open sea for eight days, where he raised jury masts, within twenty leagues of Sandy Hook. Lord Howe waited from the 17th to the 24th of August before he followed, though he had *then confessedly* so superior a force.

stances attending those apparent disproportions. I reckon an English sixty-four gun ship a match for any seventy-four-gun ship out of France. The difference between the actual force of two such ships is not so much as people imagine. They generally count the difference of ten guns, but in fact the difference upon the real efficient batteries is only two guns; the rest arises from the guns on the quarter-deck and forecastle, which are light, and are not of such consequence, and are often in the way of working the ship. Respecting the weight of metal, I think the English sixty-four has a great advantage over the French seventy-four. Experience has convinced me, that the French thirty-six pounder (equal to our forty-two pounder) is a gun that cannot be managed sufficiently quick. Whatever gun is above the size of being loaded by one man to a spunge, and breeched about by one man to a handspike, I esteem too large for action. I believe the eighteen and twenty-four pounders, which all our sixty-four gun-ships carried, to be the fittest guns for use in a close engagement; the quickness of their fire, and the certainty of pointing them well and easily, does more than compensate for the difference of damage when they hit. I do not say this will be the case in an engagement like Mr. Keppel's, on contrary tacks, where the ships came up scattered, and the enemy have time to load again before they meet. Here the heavy grape-shot does great mischief to the sails and rigging. I speak of a close engagement on the same tack, in the usual manner. I think also, that one of our new fifty-gun ships, with twelve and twenty-four pounders, is nearly a match for a French sixty-four. What happened in this very transaction will vindicate my opinion. The Isis, one of the worst of the fifty-gun ships of Lord Howe's squadron, fell in with the Cæsar, the finest seventy-four of D'Estaing's fleet, and a flag ship too, and in a fair engagement the Isis beat the Cæsar. Much praise is undoubtedly due to the captain, officers and seamen of the Isis, for this extraordinary gallant action, but it shews at the same time that my opinions are not extravagant. The Jupiter, one of our fifty-gun ships, very ill manned, has lately had an engagement with the Trident of sixty-four guns, and the issue has been favourable to my opinion. The battle was drawn without any claim to a superiority by the French ship. I could give many proofs in the history of naval engagements, that my opinion is justified by experience, nor do I know any instance where it can be contradicted upon any trial that has been made. But the house will observe, by the list of the squadrons which I have

read, that no such disproportion of force existed, because any difference that may appear in the ships of the line, was fully compensated by the assistance they would derive from the frigates, three of which were of two decks, and one [the Vigilant] an old India ship, of twenty twenty-four pounders. All the others, excepting the Sphynx, were heavy metal frigates, of thirty-six and thirty-two guns, carrying twelve pounders on their main battery. These, Sir, are the opinions which I am ready to avow, but which I should not have offered to the house, if the pamphlet I have read had not quoted them untruly. I acknowledge I have frequently repeated these sentiments to all my acquaintance, both here and at New York; but I have never pressed them upon any of the members of administration, with whom I have had very little conversation on the subject; and whenever I have mentioned them to others, I have always spoken my sentiments as I do now, with due deference for the character of the noble Lord, and a proper diffidence in my own judgment: at the same time I have a certain conviction in my own mind of the truth of what I advance.

I am still at a loss to know whether the noble Lord himself really thought his squadron was inferior in force to that of Monsieur D'Estaing. I have never heard this asserted by any officer who served in the fleet. I have always heard it alledged, that his Lordship was manœuvering for the wind, and meant to give D'Estaing battle, but was prevented by the storm. If so, I conclude he expected to defeat his opponent, which would have proved his superiority; and I sincerely believe this would have been the case had the two squadrons engaged.

As to all the dreadful consequences of famine, or surrender of the army, which the noble Lord has enumerated, supposing Monsieur D'Estaing had got possession of Sandy-Hook, I cannot subscribe to them in the extent he has stated. I have been informed, that by driving Long Island, there would have been found six months subsistence for the troops, besides the various means of obtaining supplies through the Sound, while the blockade of the port could not have continued without relief above six or eight weeks at most.

As to the manner in which this motion has been supported by my honourable friend who moved it, although I shall vote with him on the question being put, yet I cannot agree in the reasons he has given to induce others to join with us. I vote for the reasons I have given myself, and not for any he has uttered; indeed I cannot help remarking, that my honour-

able

able friend, who is the closest reasoner I ever knew, and the most accurate relater of any fact in the course of his argument, has, in my apprehension, failed in both these particulars this day. He admits that his premises are false, and yet he says, that those who voted on the former question, and the members of administration in particular, who alledged we had forty-two ships of the line ready last spring, are bound to vote with him now, or, in other words, all that voted the one way before, are bound to vote the other way now. This is a curious method of obtaining a majority, and notwithstanding the explanation of this figure of rhetoric by his eloquent friend, that we are catched in the two horns of a dilemma, I acknowledge my stupidity in not comprehending the force of this manner of reasoning, or the propriety of a motion coming from a man who admits the principal fact, on which he founds his conclusion, to be false. My argument is different; for I maintain, whether we had forty-two ships of the line ready, or a lesser number, the safety of our army, and the security of our affairs in North America, demanded we should have run the risk of sending off a small detachment to Lord Howe.

The matter of fact which my honourable friend has misquoted, respects the proposals for the basis of treating, in the first letter from the commissioners to the Congress. After stating that the commissioners had renounced all, which, by the by, is the best reason I have heard for his favourite doctrine of yielding independence, he alledges we had specifically offered a free trade with all the world. Now the words of the commissioners' letter upon that article is, "to extend every freedom to trade, that our respective interests can require;" by which it is plain, the subject was open to a full discussion of the Congress.

It is true, in a subsequent declaration which I did not sign, the other commissioners say "they were authorized and desirous to extend every freedom to trade."

But this enumeration has a clear reference to the specific words in the first letter; and I can declare for one, it never was my intention to admit of foreign ships trading to the ports of North America; but I meant, as far as our powers extended, to remove every unnecessary clog on the commerce of the Americans, many of which restraints I believe to exist without any benefit to this nation.

Before I sit down, there is one word in the motion, which I shall move to amend; it is the epithet *gross*. I think the *motion* will run in a more dignified parliamentary style without *it, and I hate* gross epithets in public proceedings. With respect

respect to the other motion that is to follow, I cannot conceive upon what principle of consistency it can be moved by the same person who proposes the present motion. I cannot be of opinion, that the ministers were to blame for not sending a fleet to Gibraltar, and a reinforcement to North America, at the same time. They ought to have done the one or the other, I admit, but not both; and whoever moves a censure on their conduct, should choose which of the two he prefers as the measure they ought to have adopted. I shall therefore hope my honourable friend will not offer his last motion to the house, or in case he does, that it may be rejected.

Lord *Howe* rose to reply; he said, from what the honourable gentleman had thrown out relative to the pamphlet, it was pretty evident he either thought that he had been concerned in writing it, or that it was written with his cognizance: he assured the honourable gentleman, that neither was the case; he had not seen nor had he heard of the pamphlet, till it was received by him at his country-house; he did, however, guess at the author, for whom he would say thus much, that his assertion relative to the honourable gentleman was so far near the truth, that when he was in America, he had been told that the honourable gentleman had there said, he thought him superior in force to Monsieur D'Estaing. The honourable gentleman had now declared to the house, that his fleet was excellently manned. He begged leave to assert the contrary; his fleet was very far from being well manned: it was true, when the alarm of the Toulon squadron being near the Hook was first given, all sorts of persons, many who had been to sea, and many who had never been on ship-board, came down with the greatest alacrity, and offered their service on board the fleet; he should be ungrateful in the highest degree, if he did not give them infinite credit for their spirited conduct on the occasion; but he should be unworthy to hold a naval command, if he deemed ships so filled, ships well manned. The consequence proved it; for each time he put to sea, and sailed after D'Estaing, his sick increased amazingly, and he was obliged to land them, once upwards of 360 at a time, in order for their recovery, and to prevent those who were well on board the fleet from being encumbered, in case of an action, which was what they expected every day. Indeed, as he went out expressly to fight D'Estaing, and as the fleets were on the point of engaging, when Monsieur D'Estaing suddenly altered his course, and bearing away to the southward, was soon, from the state of the weather, out of sight, the honourable gentleman had no right to say, that every thing was not done

that

that the nature of affairs would admit, to bring the Toulon squadron to action.

He understood, indeed, that the gentleman had quitted the profession for some time; but that a man who had ever been in it, should have so totally lost all ideas of it, as to talk of piecing out a line of battle with frigates, against a great heavy line of the enemy of much superior ships, he did not know what term to give to such argument. The gentleman had talked of fifty and sixty-gun ships being equal to seventy-fours; and that a small ship, supported by a frigate, could beat a large ship. Possibly, his Lordship said, in a single engagement: and possibly also, a smaller ship might singly engage a much larger one with success, by the superior gallantry of commanders and men—But to transfer this reasoning, uncertain in the case even of single ships, to a general engagement in a great line of battle, no man could argue so who knew what a line of battle was; for that in such a case, the frigates probably could not act at all; and the smaller vessels certainly with increased disadvantage, against the combined and greatly multiplied force of the superior line.

His Lordship took notice of the insinuation, of growing too great for the state. His Lordship assured the house, that no man felt more ardour to serve his country than he did; but he begged that, as men of consideration and honour, they would weigh the circumstances of the case he should suppose to them. If an officer who accepts a command, in America suppose, is thwarted, disappointed and deceived in that command by the minister for the American department; if an officer who is appointed to a naval command, meets with nothing but neglects and injuries from the admiralty; if the first Lord of that department sets all his power against all the credit and character of that officer; I can prove what I suppose, and will go into the proof whenever the house pleases.

The honourable gentleman had asserted, that New York was able to defend itself; that the fleet might have been hauled up the river, and the banks lined with men to annoy the enemy, and at least keep them off 'till Admiral Byron came to the assistance of the whole; New York, the mere port of New York, was totally out of the question; it was not worth a moment's consideration; the army was the object to be taken care of, and if the fleet had been so hauled up the river, what was to become of all the victualling transports from Great Britain and elsewhere, of the packets, and a variety of other *vessels daily* to be expected, and materially necessary to be *provided for?*

His

His Lordship concluded—I feel myself professionally called upon;—but I should not mention my rank in the service, nor allude to any little abilities or experience I may possess in it, if I could not support my opinion by argument, and appeal for its undeniable certainty to every seaman who knows what service is.—I can, therefore, assure the gentleman, that Admiral Howe will not apply to Captain Johnstone to instruct him in the elements of his profession.

Governor *Johnstone*, in reply, declared, although he was no more than Captain Johnstone, that he would not give up his experience to Admiral Howe, or any other admiral whatever; he had seen as much service as the noble Lord, and had been in more battles. What he had offered relative to the affair between the English and French fleets, on the arrival of the latter off Sandy Hook, he submitted to the house as his opinion; an opinion not theoretically formed, but founded on professional knowledge; nothing that had fallen from the noble Lord had afforded him the least reason for altering his sentiments; and he so far differed from the noble Lord, that instead of refusing to serve in this moment of public exigency, he would take any command that should be offered to him: many gentlemen in that house well knew that at the commencement of the American war, he would not have accepted of any employ against that country, because he thought the war unjust in its end, and oppressive in its principle and mode of carrying on; the case was now materially altered; this country had done every thing which became her, to convince America of her readiness to act, respecting the United States, with lenity, with moderation, and with justice. France had perfidiously broken her treaties, and seduced America into an offensive league against Great Britain; in such a crisis, it behoved every man who felt properly for the injured honour of his country, to step forward and offer his service; he for one was ready to exert his utmost abilities in any capacity that government might think proper to employ him. If his country called for his services, so far from attempting to prescribe the condition on which he would serve, he would accept even the command of a bumboat!

Lord *George Germaine* avowed having himself altered the destination of Byron's squadron from Halifax to New York, and having himself sent the dispatches by packets, instead of by transports under convoy, both which alterations he accounted for on the grounds of necessity and sound policy. His Lordship said, that ministry had been deceived by Monsieur la Mothe Piquet, and that Monsieur Gerard's going on board a ship of the Toulon squadron might be a mere feint, *and ought not* by any men in office to be admitted as an undeniable

deniable proof that the fleet were destined for America. His Lordship spoke to the conduct of the commissioners, and, in contradiction to what Mr. Fox had said in his opening, denied that the commissioners had given up every thing.

He acknowledged, that the situation of public affairs was such as to render it necessary to make concessions to America; but since the Congress had rejected those terms, and committed their cause to the events of war, he did not think that this country was by any means bound to abide by those terms, should success on our part entitle us to insist upon better terms.

Colonel *Barré* charged the noble Lord in the blue ribbon, and his coadjutors, with aiming, like assassins, at the life of Admiral Keppel. He drew a parallel between Governor Johnstone's having ventured to hold a professional opinion, in opposition to the judgement of Lord Howe, and Admiral Palliser's calling in question the conduct of his commanding officer, Admiral Keppel.

General *Conway* said, he thought the noble Lord's assertion, that this country was not bound to abide by her terms of last year, was a most alarming declaration. He said he saw very clearly that such an assertion might do infinite mischief, and he hoped the noble Lord would say something in palliation, and not suffer an assertion, which tended to insinuate that this country had no sincerity, and never meant to keep her faith, to go out of the house, much more to reach America, where it would spread great alarm, and might aggravate and increase the animosities that at present subsisted between the two countries. After discussing both sides of the case, the General said he thought he could not, with any regard to truth and reason, avoid giving his vote for the motion.

Sir *John Wrottesley* declared he was not a little amazed at what the honourable gentleman over the way [Governor Johnstone] had said, relative to the great plenty which he saw at Philadelphia when he was there: that he had himself shared in the distresses of the army, and so far from enjoying the luxuries of the table, which the honourable gentleman had described to abound in America, he had often experienced the greatest difficulty to obtain even the necessaries of life. He likewise had never heard of the quantity of bread, or the six months provisions on Rhode Island, which the honourable gentleman had talked of.

Mr. *Fox* laughed at Governor Johnstone's idea of matching a small ship and a frigate against a French eighty, and ridiculed the doctrine that small ships were more powerful than large *ships of the line*, and which carried a heavier weight of metal,

metal; observing, that if the fact were as the honourable gentleman stated it, (that a 50 gun ship of ours was equal to a French 64,) by a parity of reasoning, our frigates were the most serviceable ships, in point of tonnage and size of guns, of any in the navy; and that Lord Torrington, Lord Anson, Lord Hawke, and other seamen who had presided at the board of admiralty, had most egregiously erred, and grossly mis-spent the public money in building 74 gun ships, 80 gun ships, and first rate men of war.

The house divided on the first motion: for it 135; against it 209.

March 23 and 25.

No debate.

March 26.

Mr. *Hartley* moved, "That it be an instruction to the committee, that they do not provide for the sum of 535,701*l.* 7*s.* 7½*d.* one of the articles of the extraordinaries of the army, referred to the said committee, as applied and invested in the purchase of Spanish and Portugal coins for the use and service of his Majesty's forces in North America, until this house shall have made a further enquiry into the expenditure of the same, and vouchers have been presented to this house relative thereto." He prefaced his motion with an argument respecting the nature of the estimate of the extraordinaries of the army then on the table. He said that there were 7000 provincials in the service and pay of this country, of which the ministry took not the smallest notice; that in fact their method was to come year after year to that house, and desire the house to vote immense sums without ever giving an account how those sums were applied. That it looked like suppressing the 7000 provincials, and concealing from the house that they were paid by Great Britain. He, therefore, in resistance of so unconstitutional and irregular a proceeding, took the proper parliamentary mode of refusing to grant more money till he knew how what had been granted had been applied. He complained that the army accounts were not adjusted for full fifteen years after the money was voted and issued for the army service.

Lord *North* said, that it was impossible to give exact accounts of the expenditure, for they had them not themselves. That the only accounts that they could give Parliament was an account of the issues of the money. That the commander in chief drew for it, and applied it. That the house well knew we had many provincials in our service and pay. That the present number was 7000, and he heartily wished there were

more.

more. That they were the best soldiers for the American service; they cost us nothing transporting, and they made up so much strength gained from the enemy, which was a double advantage. He assured the honourable gentleman, that ministers had no intention of keeping the knowledge of them from Parliament. That he verily believed it would be the most difficult thing to conceal an army, and that no army had been concealed since the time of Mr. Bayes in the Rehearsal. He acknowledged Parliament had a right to an account, as soon as it could be made out, of the application of the money voted for the extraordinaries of the army, but he should be obliged to oppose the present motion.

Sir *Adam Fergusson* did not approve of the motion, because he thought it premature; but he saw the necessity of appointing a committee to consider of some better and shorter method of stating and passing the public accounts.

General *Conway* was of the same opinion.

Sir *Philip Jennings Clerke* said, he could prove, by witnesses whom he could bring to the bar, that the noble Lord had not accepted of the lowest terms that were offered him for furnishing the camps with hay, oats, and bread, last summer; he accepted of the highest terms. He could not plead in favour of this, that the respectability of the man was the cause of his predilection, since very high and loud complaints had been made against him from every quarter. Many other instances of a similar nature he could prove at the bar of the house, if permitted.

Colonel *Barré* recalled to the attention of the house the rum contract, which was not, he said, the only point of criminality that came out in the committee appointed last year against the noble Lord, but that of itself was sufficient to have induced that house to have acted much more solemnly in the matter. He could not help thinking it strange that his Lordship, in the very first contract he ever made, should be so imposed upon as to buy an article at 4s. 4d. to be delivered in Jamaica, which he could have purchased in London free of all charges at 2s. 2d. Yet such, he said, was the conduct of the noble Lord; and notwithstanding this evident imposition on the part of the contractor, after a certain time, instead of finding his mistake, he only doubled it. After a still greater time he doubled the second, so that time had no other effect upon his mind but in making him squander greater sums of the public money.

Lord

Lord *North* said, he must defend his conduct with respect to the contract for rum; it was made during the recess of the treasury, at a time of the greatest urgency, and when he could not have sufficient opportunity to make the necessary inquiries into the prices at market. The articles were wanted for the army immediately; he therefore thought, that, by taking the rule of the navy-board for his line of conduct, he could not do wrong, of which, however, he was entirely ignorant; he did so, and made the bargain at 4s. 4d. Some time afterwards, a second bargain was made with the same gentleman, at the same price, for a larger quantity; and after this, the commander in chief in America made a third contract with him: some time after, when it was taken up in the house, it came out that the navy contract included several articles, and that rum was not more than three shillings; upon which the former contracts were referred to arbitration. In all this he did not think that Mr. Atkinson imposed upon him; he looked upon him as a very proper man to execute the contract. As to the other contract that he enjoyed, he had at first had the usual mercantile commission of two and an half per cent. he had not now more than one and an half. He concluded with saying, that these assertions were true, upon his honour; that he wished to be judged by them, and was willing to stand or fall by their veracity.

Colonel *Barré* said, he would take the noble Lord at his word, joined issue with him, and proved from the evidence in the inquiry, and the information of the report from the committee (a committee consisting of sixteen gentlemen, his own friends, opposed to five,) that so far from the occasion being urgent, the contract was made in the month of September, and the service was not to be performed till the summer following. He added, that most enormous sums of money had been drawn for in bills, by governors of the islands, and the superintendant of the Indians, without leave, without powers. These bills had not been protested, except those of one governor, who was ordered home in consequence of it.

The question was negatived; when the speaker left the chair, and

Mr. *Jenkinson* moved, that a sum not exceeding 2,026,137 l. be granted for the extraordinaries of the army for the year 1778. He said, that this country was not so well adapted

to œconomy, nor so capable of managing the expenditure of its monies as a monarchical state.

Colonel *Barré* made some observations on the very extraordinary account of the extraordinaries of the present year. He shewed the great increase of them, by comparing them to those of former years. He pointed out the employing a man as superintendant of the importation of provisions at Cork, at thousands a year, 5000l. one year, 7000l. another, and 11,000l. this; the unconstitutional procedure assumed by the governors of the West India islands, and by the superintendant of the Indians, of drawing for the money, the gross unaccounted sums said to be paid for provisions to those garrisons where there are no men, or next to none, and several others.

Mr. *Burke* called upon the secretary at war to inform the house, how it came to pass that the year before the victualling the army should be but 416,000 and odd pounds, and this year be 621,000 and odd, when we had one entire army less, many fewer troops, and much less active employ?

At ten minutes past twelve the question was put, and the 206,137 l. were voted.

Adjourned to the 29th.

March 29.

Report of the army extraordinaries.

Mr. *Hussey* asked some questions respecting the profit upon the contract to send the Spanish silver and our guineas out to America for the payment of the army.

Mr. *Harley* (who had the contract) answered, that every shilling he had been paid by government, was remitted to America; and that the commission of one and an half per cent. the expence of freight, and the expence of insurance, were all paid out of the profits arising from the course of exchange, but that it was impossible to state the exact balance till the whole account was worked up and finally settled.

Mr. *Fox* opposed the bringing up the report, and reprobated in very severe terms the indecent manner in which so large a sum as 2,026,000l. had been voted last night for the extraordinaries of the army; he said, enormous as the sum was, it was voted in the lump, hastily, of a sudden, and at a late hour of the night; he declared, that the House of Commons would incur a degree of guilt in acceding to that vote; and begged the House to notice, that he took the earliest oppor-

opportunity of protesting against it, and desiring that he might not be involved in the criminality. He said he had many reasons for not agreeing to the vote of the committee, and for not confirming that vote in Parliament, but none which weighed more with him than the very alarming declaration of a noble Lord in the debate of that day se'nnight [Lord George Germaine,] that this country was not bound by the terms held out to America last year by the commissioners. He said, it was a new instance of breach of faith in ministers, and a confirmation of the opinion pretty generally entertained, that their conduct respecting America, from the commencement of the war to the present hour, was one continued series of falsehood, treachery, and deceit. He asserted, that this nation was rendered despicable in the eyes of all Europe, by the unsteadiness and womanish weakness of administration; the great dejection, and the consequent humility which they felt and confessed on every trifling piece of bad news which arrived, and the ridiculous extravagance of joy and loftiness of language which they exhibited and assumed whenever they heard of the success of our arms, let that success be of the most insignificant nature. He contended, that the noble Lord's declaration not only disgraced government, but might be the cause of the unnecessary continuance of the war with America, and might render an union between the two countries impracticable at present, if not ultimately impossible. Before he concluded his speech, he repeated this assertion, and in particular instanced the dangerous and destructive consequences of such a declaration, to all those who, relying on the good faith of Great Britain, had come in under the influence of the terms offered to America by the commissioners, and who had a right to a due performance of each separate proposition. If there had been but a single individual who came in, in consequence of the proclamation, he asserted that the faith of this country was pledged to that individual, and that individual was basely betrayed if ministers asserted that they were not bound by what the commissioners had published, because the Congress of America did not choose to close with their propositions.

Lord *George Germaine* rose in defence of his former assertion, which he said he would maintain upon the grounds of justice, reason, and common sense. His Lordship said, if one party offered terms to another, and that party rejected the terms offered, it was absurd in the extreme to

assert that the party proposing the terms were bound to abide for ever by their propositions. If that were the case, America might pursue the war to the last extremity, under the idea, that when they could carry it on no longer, they had it still in their power to accept the terms of 1778. In proof that the commissioners had neither pledged themselves, nor committed Great Britain, as had been alledged, his Lordship read a part of the declaration of the commissioners previous to their quitting America, which expressly gave notice to the Americans, that they (the commissioners) had been honoured with their commission in vain, and that America, having rejected their propositions, must not expect the same liberal terms from Great Britain in future.

This his Lordship asserted was a full and clear answer to what had been said respecting the act of the commissioners; at the same time he begged to have it understood, that it was not by accident that he let drop his declaration on Monday last; he sought the occasion to say it in a full house, and he was glad of the opportunity. He never was more clear in any one point that he had in the course of his life endeavoured to maintain, than that this country was not bound to abide by her terms of the last year; but God forbid he should be understood to hint that this country was not as yet disposed to treat with America on those terms! he meant no such matter. To argument, however, that Great Britain was bound to abide by those terms, told against gentlemen on the other side the house; where was her liberality, and where was the gratitude of the gift? If at any future time she should think proper to accede to a treaty with America on the terms offered last year, if she were absurd enough to say that she could not depart from those terms, and was bound to abide by them, let them be looked up to as desirable terms whenever America was so disposed. His Lordship also read a part of the commissioners' first proclamation on their arrival in America, in which they stated the sincerity of their professions, and promised to abide by them, let the success of the British arms turn out as it might.

Governor *Johnstone* said, that the noble Lord [Lord George Germaine] always treated America as a foreign enemy, and not as revolted subjects whom we wish to reclaim. He argued the necessity of coming to some distinct proposition

as

as to the intention of Great Britain respecting America, and threatened to move some proposition of that kind, if nobody else would.

Mr. *Burke* entered into a review of the whole argument, and after stating the grounds of it, contended, that this country was bound to abide by the terms offered last year: he said the commissioners were understood to have spoken the language of Great Britain, and not their own private sentiments; that consequently they had either been warranted in their public professions, and therefore ought to be supported, or they ought to be punished for having exceeded their power.

Mr. *Eden* said, that he was much surprised, when the question before the house related to the extraordinaries of the army down to the year 1777, to feel himself called upon to discuss a question respecting the negotiation of the King's commissioners in the year 1778. That he could wish the house would more effectually concur with their Speaker in checking this desultory mode of bringing forwards every possible subject, on every possible occasion. It was his settled opinion, with respect to American questions in general, that, in our present situation, the discussion of them could not be productive of any one good, but might eventually be the cause of much mischief. That the gentlemen of the House of Commons, who were so forward on these occasions, did not know their own weight, or the weight of Parliament, but were too apt to estimate it by the unfortunate effects which some of its proceedings had produced in the colonies. That the manner in which our debates are reconsidered, canvassed, and misrepresented, and misunderstood in America, could only be conceived by those who had seen it, and had already been fully described by his colleague. That as to the particular matter now brought so abruptly before the house, as it had been stated by very respectable members, with strong expressions of seriousness and apprehension, it certainly was material to give satisfaction upon it, both to the house and to the world in general. That expression dropt by the secretary of state, on a former occasion, if taken as an abstract political truth, was certainly accurate; for nothing can be more indisputable, than that Great Britain is not bound at all times, and in all circumstances, to give the same terms of accommodation. He instanced, that one of the terms, or, more properly speaking, grounds of negotiation held out by the commissioners,

had been an arrangement respecting the American debt. That upon a supposition of Great Britain, by the recent acts of Parliament respecting the charters and taxation, (which acts he considered as for ever inviolable,) having admitted herself, in some degree, to have given the first provocation, the commissioners might have thought it reasonable, by means of the quit-rents, or otherwise, to form some plan for arranging the debt incurred in consequence of that provocation. But the causes of the provocation having been generously, explicitly, and eternally renounced, if a reparation so ample were disregarded, it was neither just nor reasonable, nor indeed practicable, to undertake the arrangement of a debt which the rebel leaders might blindly and obstinately increase to ten times its present magnitude. That this abstract proposition had been explicitly stated by the commissioners in their manifesto and proclamation, and had merely been repeated by the secretary of state in his place in Parliament. That he was sorry, however, that it had been so repeated, and had expressed his concern to some friends who were sitting near him at the time; because, coming from so high an authority, and being so timid and circumstanced, it certainly was liable to misrepresentations and misinterpretations, which might do real mischief. He could say, as an American commissioner, and without hesitation, that though he could avow the strict justice of the position, he totally disavowed the expedience of recurring to it; and so long as he should have the honour of being employed in the commission, could venture to assure Parliament, that he should act *bona fide* and sacredly, in respect to any particular colony or colonies desiring once more to enjoy the blessings of peace, in a manner that he was convinced would give present satisfaction and permanent happiness and security to such colony or colonies, and would also, he hoped, merit the approbation of this country, to which the commissioners must and ought to be responsible for every circumstance of their conduct.

Gen. *Conway* said, that he had taken notice of the noble Lord's [Lord George Germaine] declaration on the night it was made, as a matter that required immediate discussion. He was therefore very glad to see it now brought on, for the sake of the Americans and of this country.

Lord *North* assured the house, that the declaration made by the noble Lord did not originate with him; it had been made in reply to an assertion on the other side, that Great Britain

Britain is for ever bound to the terms offered by the commissioners. And he then gave it as his own opinion, that Great Britain is not formally bound to grant all the concessions made by the commissioners, as they had rejected them; but there was one which had been granted by an express act of Parliament, which, though not absolutely irrevocable, was, in fact, absolutely binding, which was the renunciation of the right of taxation for ever.

In all other respects he declared it would be proper to grant them all that was promised by the commissioners; and even if our arms should prevail against them, he would still think it right; but he would not infer from that any legal absolute obligation, under any possible conduct or behaviour, however bad on their part, that Great Britain is tied down to abide by these terms to eternity. His Lordship owned that he thought the present appearances of success were the consequences of the promises made by Great Britain; and so far as regarded individuals and provinces, who should return to the allegiance of this country, they certainly had a right to all the concessions offered. He hoped this, being understood, would prevent all misunderstanding in America, and that the friends and correspondents of America would represent it in a proper light.

Rt. hon. *T. Townshend* said, he could not give his consent to the bringing up the report, without further satisfaction on the manner of expending the large sums voted by Parliament. This produced a conversation on the rum contract, Lord North's influence at the India House, and other accusations by Colonel Barré and Sir Philip Jennings Clerke, but nothing new was advanced. The house divided on the report; for it 142, against it 78.

Sir *William Howe* moved that his correspondence with the secretary of state [see the correspondence, page 253, &c. of last volume] be taken into consideration on the 22d of April, which, after some debate, was agreed to without a division.

March 30, 31, *and April* 1.

No debate. Adjourned to April 15.

April 15.

No debate.

April 16.

Lord *North* informed the house, that the right of printing Almanacks had, for upwards of two centuries, been enjoyed exclusively by the two universities of Oxford and Cambridge, and the company of stationers. That the right had been

exercised in consequence of certain royal grants, which had, till very lately, been held to be full and legal authority. That the stationers' company, carrying on a trade in Bibles, Psalters, and Almanacks, had, for a long time, been the sole venders of the latter, and had paid the universities of Oxford and Cambridge an annuity of 500*l.* each, for the transfer of their right to print Almanacks. That the two universities had employed this sum for the benefit of learning, having printed a number of books useful to students. That it was owing to this annuity that such elegant editions of the Bible, Common Prayer Book, &c. came from the presses of each university. That, within the last three years, a private stationer had thought proper to combat the right of the stationers' company to print Almanacks, to the exclusion of other traders. That the matter had gone through a long course of litigation, the issue of which was, that the courts had determined that the right was not legally vested in the company. The stationers' company, therefore, having their own title set aside, and imagining the title of the two universities was equally precarious, as it originated in a similar manner, refused any longer to pay for, or exercise the right of printing Almanacks, supposed to be vested in the two universities. The loss of these annuities, his lordship described as a matter which would be extremely inconvenient to the universities, and prejudicial to the cause of learning. He pointed out the propriety of allowing, in this case, that the right of printing Almanacks should be legally given to those who had so long enjoyed it without abuse, and who had, by a variety of court decrees, been led to imagine that the grants, under the authority of which they exercised it, were competent to empower them to hold the right exclusively. He concluded his speech with moving, that leave be given to bring in "a bill for vesting the sole right of printing Almanacks for the time to come in the two universities of Oxford and Cambridge, and the company of stationers respectively."

Mr. *Turner* said, he saw no reason why the stationers' company should have an exclusive right to print Almanacks more than any other person. He did not like the motion, because it tended to introduce a novelty, and to authorise a monopoly. He declared he had not any wish to deprive the universities of Oxford and Cambridge of an advantage; on the contrary, he thought they deserved every encouragement which the legislature could give them: but he did not see that the present motion tended to procure them any material benefit; 500*l.* was too paltry a sum to warrant the creating a monopoly in a trade

trade which ought to be open. He had much rather that the sum, if necessary for the sake of public learning, should be paid specifically to each university for that purpose, out of the public money. Indeed, the universities might themselves save it out of their respective revenues annually, by only putting up a chimney-piece less every year, or checking the increase of their architectural ornaments. The universities were two of the richest corporate bodies in the kingdom, and therefore could not be affected by the loss of such a trifle as 500l. a year each.

Right hon. *T. Townshend* begged leave to set his honourable friend right: the two universities of Oxford and Cambridge were very far from being the richest corporate bodies in the kingdom; on the contrary, they were not even rich. He commended the motion, thought it extremely proper, and hoped it would meet with no opposition.

Mr. *Jackson* (counsel to the board of trade and university of Cambridge) urged the utility of Almanacks, and the necessity of their being printed under authority, and in such a manner as to render them the vehicles of authentic information. He enlarged on their import to literature and to religion, declaring that the liturgy was scarcely intelligible without them; he mentioned, that several old statutes in the days of King Henry VI. enforced the observance of certain religious fasts and festivals, under very severe penalties, and that it was impossible to ascertain the moveable fasts and feasts without a correct Almanack. He concluded with remarking, that the careful preservation of the liturgy was properly vested in the head of the church, whence he argued the analogous wisdom of vesting the right of preparing and printing Almanacks in the two universities and the stationers' company.

Mr. *Dempster* said, the noble Lord's declaration, that the voice of law had proclaimed the exclusive right of printing Almanacks illegal, was to him a sufficient ground for objecting to the motion. That, added to this, he thought it highly unjust to deprive an individual, who had put himself to the trouble and expence of a law-suit with an opulent body of men, of the enjoyment of that right which the laws of his country had declared he was warranted to exercise. That, instead of incurring a loss for his public spirit, the individual ought to be rewarded and encouraged, for having laid open a trade, which had for so long a period as two centuries been illegally monopolized. That all monopolies were odious and unjust; and although he did not wish to deprive the two universities

universities of Oxford and Cambridge of 500l. a year each, he could not consent to agree to a motion for a bill, authorising the stationers' company to hold the trade of manufacturing Almanacks exclusively, the profit of which every individual stationer had a right to participate in. He ridiculed the idea, that the liturgy of the church of England was unintelligible without an Almanack.

Mr. *Montagu* observed, that every gentleman seemed agreed to favour the universities, though some objected to favouring the stationers' company. He said, the trade of Almanack making and selling was of a peculiar nature, and ought not, like other businesses, to be exercised at the will and pleasure of every ignorant person, and therefore thought the stationers' company were the fittest hands to place it in.

Mr. *Rous* said, that though monopolies in general deserved opposition, yet that there were many branches of trade, which, for a variety of very obvious and cogent reasons, required legal restriction, and that it was no uncommon thing for the legislature to interpose its authority in such cases; that the business of making and selling Almanacks, in particular, called for legal restriction; that in every proceeding of the courts of law and equity, the dates of months and years were most material points; it was highly necessary therefore, for the security of the property of the subject, that it should not be in the power of any man to print a partial Almanack, or an Almanack calculated to serve some particular purpose. Almanacks ought not to be printed at random, but the right of printing them ought to be vested in some body of people, not likely to abuse that right, and capable of continuing to exercise it with that care and punctuality, indispensably requisite in a work of such continual reference on the most important occasions as an Almanack.

The motion agreed to.

The order of the day to go into a committee on India affairs.

Lord Viscount Middleton took the chair.

Admiral *Pigot* entered into a detail of the various circumstances attending his brother's (the late Lord Pigot) having been appointed, in April 1775, by the hon. the East-India company, governor of Madras and Fort St. George, and commander in chief of the company's forces in that presidency; his voyage to India, his arrival at Madras in Dec. 1775; his setting off for Tanjore on the 30th of March 1776, in order to restore the Rajah to the throne of his ancestors, agreeable to the instructions of the court of directors and

and general court of proprietors; his return to Madras from Tanjore on the 5th of May; the proceedings and resolutions of the council of Madras, relative to his conduct while in Tanjore; the mode of their arresting him in August 1776, and conveying him under the custody of Colonel Stuart and Colonel Edington to St. Thomas's Mount; the order of the new and self-erected council to Colonel Stuart, to acquaint Lord Pigot, that in case of any attempt to rescue him, his life must answer it; the attempt of Lieut.-Col. Edington, on the 27th of the same month, to remove his Lordship to Chingleput; his declaration, that he would not be carried to any other place alive; their suffering him to remain at the Mount, where he was guarded by 400 artillery; his passive manner of bearing his sufferings; his earnest recommendation to all his friends not to stir on the occasion; and his continuing a prisoner till the 11th of May 1777, when he died at the Mount.

The Admiral enlarged on each particular as he stated it, and spoke with a warmth of affection for the character of his deceased brother, which did him the highest credit. He painted the conduct of the new council, as most violent, unjust, and unprecedented; declared, that there never had existed a more worthy man than the late Lord Pigot; that, in his situation, he was remarkable for his uprightness, and his immovable integrity; that he was offered ten lacks of pagodas to with-hold the reinstatement of the Rajah of Tanjore, only for a short time; that refusing, an additional offer was made of five lacks more, worth, in the whole, six hundred thousand pounds; that, while in India, he had no object in view but the interest of the East-India company, and punctual compliance with their instructions; that, in return for such laudable conduct, his personal freedom was suddenly and disgracefully invaded; he was deprived of his liberty, and at length of his life, no man knew how. As a proof that he was above the influence of that species of corruption which saps the whole foundation of the company's trade and government at Madras, he declared his brother died so poor, that his son-in-law, Mr. Monckton, was under the necessity of selling all his houses and effects in India, in order to pay his debts there. After having dwelt on the several points of his brother's conduct and treatment, he said he had several resolutions to propose to the consideration of the committee, but he wished first to know, if any further proof was required by the committee, of the various facts he had stated, besides the papers then on the table, as he was ready to substantiate every particular by personal evidence at the bar of the house.

Mr.

Mr. *Stratton* said, he did not imagine the honourable admiral had intentionally mis-stated any part of what had passed in India relative to his brother, but he thought it incumbent on him to set him right where he had erred in his speech. He had declared, the council of Madras approved of his conduct while in Tanjore; he begged to say, that the council was very far from entirely approving his conduct there; he read the minute, from whence it appeared, that particular exceptions were made by three or four different members, to particular transactions of Lord Pigot, while employed in restoring Tanjore to the Rajah.

Admiral *Pigot* said, that he conceived the majority of the council, in like manner as the majority of that house, passed for the whole; that the minute of approbation was signed by the majority, and therefore he was, he presumed, warranted to say his brother's conduct was approved by the council. The admiral desired to call an evidence, to prove the attempts made to influence the council, and to bring them over to support the nabob's interest, in opposition to the company's meaning. The committee agreeing to this,

George Dawson, Esq. was called to the bar, and underwent a long examination.

The substance of Mr. Dawson's evidence was,

"That he was one of the council of Madras, previous to, and during the revolution in the government of that presidency; that he had always voted with Lord Pigot, because he thought his Lordship right; that he was offered a considerable bribe to stay away from council, and particularly if he would absent himself on the day that the sending Mr. Russel as resident to Tanjore, was to be debated; that the offer was made him by the nabob's sons, as he presumed, on the part of their father; that he had frequent conversations on the subject with the nabob's sons; that no European was, as he recollected, present at either of those conversations; that he could not say what was the particular amount of the sum offered him, but he was sure it was a lack of rupees at least; that he could not recollect the specific hour or place in which the several conversations were held; that he was one of the council who objected to Mr. Benfield's claim, which consisted of tankas or assignments from the nabob on the Tanjour country to the amount of 250,000l. that no servant of the company, civil or military, was present when the nabob's sons made him the offer of a bribe to stay away from council; that Sir Robert Fletcher had advised him to absent himself as desired; that the bribe offered him was a lack of pagodas, and not a lack of rupees,

rupees, that therefore, instead of 12,500l. it amounted to 40,000l.; that he did not know of any bribe having been accepted by other members of the council, but that he had seen the nabob's sons in the house of Sir Robert Fletcher."

As soon as Mr. Dawson was withdrawn, Admiral *Pigot* moved, by way of resolution,

That it appears to this committee, that George Lord Pigot, a member of this house, was, on the 24th day of August 1776, arrested by a military force, and carried and confined under a military force at the house of Major Horne, at a place called the Mount, about nine miles distant from the town of Madras and Fort St. George, of which he was governor and commander in chief; and that the said George Lord Pigot continued in confinement under a military force for near eight months, that is, from the 24th day of August 1776, until the 11th day of May following, when he died.

Sir *George Wombwell* opposed this resolution, arguing upon the impropriety of that house interfering with a matter which, according to the chartered rights of the East-India company, fell solely under their jurisdiction. He said, that, agreeable to the charter of the company, they had the sovereign power of appointing, suspending and discharging, and of rewarding and punishing their servants; that, in the case of Lord Pigot, every proper step had been taken to procure authentic information of the real truth of the whole affair; that a general court had done him so much justice as to order his restoration, as soon as it was known that he was deposed; that Governor Rumbold had it as a material part of his instruction, to institute an inquiry at Madras as soon as he arrived there, and to endeavour to obtain a full account of the particulars of the noble Lord's having been arrested, the conduct of those by whose orders he was confined, and the manner of his death; that the ship which was to bring these particulars was daily expected, and, for what he knew, was then arrived; that Governor Rumbold had already sent over word, that he had set apart a day out of every week for the purpose of pursuing the inquiry; that, therefore, the matter was gradually approaching to a termination, and would now soon be concluded. That if, when the authentic particulars reached England, the directors were negligent in proceeding upon them, or did not do their duty, it would then be a proper measure to apply to that house for succour; that at present it was unnecessary, and an act of prejudication respecting the gentlemen accused. That if the admiral chose to prosecute, the courts of law were open; but that the proprietors

prietors were satisfied, and every thing respecting the company in a flourishing state both at home and abroad; that the profits of their trade were greater for the two last years than they had ever been; that it was evident their military in the Indies were in a proper state from their late success; that ten days after they received orders to march against Pondicherry they took the field; that he saw no reason for stirring in the business at all at present, much less for that house to interfere in a matter in which they had no concern.

Admiral *Pigot* said, the court of directors had proceeded gradually with a witness! That his brother had now been dead two years, and no step taken to punish those who deprived him of his liberty; that the honourable gentleman talked of his wishing to go to law, he assured him he had not gone a step in the business without the best advice of the most learned of that profession. That he had in August last sent to the India House the opinions of several very able lawyers; but the directors were so gradual in their manner of doing business, that he received no answer till October, and then that answer gave him no satisfaction. The admiral also mentioned, that the mode of instituting an inquiry in Madras, into the conduct of persons in England, was a glaring, as well as that of pasting up bills against the corners of the streets of Madras (desiring that all who had any thing to depose relative to the late revolution in that presidency would come and make oath of it before the town clerk) was an idle and nugatory mode of proceeding.

Lord *North* thought, as the motion did not complain of a breach of privilege, the words "being a member of this house," might as well be omitted.

The objection, however, was over-ruled, and the motion was put, and carried *nemine contradicente;* as were the two following:

Resolved, That it appears to this committee, that George Stratton, Henry Brooke, Charles Floyer, Archdale Palmer, Francis Jourdon, and George Mackay, Esqrs. did, on the 23d day of August 1776, form themselves into a council, and did confer the command of the army and the garrison of Fort Saint George on Colonel James Stuart, ordering him to arrest the person of George Lord Pigot, their governor and commander in chief, and to put the fort, garrison, and fort-house, under their command.

Resolved, That it appears to this committee, that the court of directors of the East India company have, by letters of the

the 4th of July 1777, and of the 23d of December 1778, to their presidency at Madras, ordered, that courts-martial should be held for the trial of Col. James Stuart, Col. Edingtoun, Maj. Horne, and Capt. Lysaught, for having arrested and confined, under a military force, their governor and commander in chief, George Lord Pigot.

Admiral *Pigot* next moved, Resolved, that it is the opinion of this committee, that an humble address be presented to his Majesty, praying his Majesty, that he would be graciously pleased to give directions to his attorney-general to prosecute George Stratton, Henry Brooke, Charles Floyer, and George Mackay, Esqrs. for ordering their governor and commander in chief, George Lord Pigot, to be arrested and confined under a military force; they being returned to England, and now within the jurisdiction of his Majesty's courts of Westminster-Hall.

Mr. *Gregory* (one of the directors of the East-India company,) rose, he said, to give his reasons for wishing that the committee would agree to the resolutions moved; and, by their sanction, warrant the legal proceeding against those of the council of Madras, who deposed and imprisoned Lord Pigot, the legally appointed governor of the presidency. He said, he did not entirely approve of the conduct of Lord Pigot, previous to his being deprived of his power as governor and imprisoned; but he could by no means agree that the violent measures pursued by the council were consistent either with their duty to the company, or that respect which was certainly due to the person of Lord Pigot, as the governor appointed by the court of directors, and sent out under the authority of the general court. The instructions or orders of the general courts, he declared, ought to be held sacred by their servants in India, and never departed from, except in cases of the utmost emergency, and then not with violence or precipitation, but with the greatest caution and coolness, and as much attention to them as the nature of the case would possibly admit. If Lord Pigot's conduct had been such as was detrimental to the interests of the company, or the good government of the presidency, the proper mode of proceeding would have been to have entered a protest against the governor's conduct, specifying wherein it was opposite to the welfare of the company and presidency, and to have transmitted that protest home. Had that line been pursued, he should have had no objection to voting either a severe censure, or, had it appeared necessary, the ultimate removal of Lord

Lord Pigot from the governorship. In former cases, this mode of proceeding had been adopted, and the differences properly and happily adjusted. To pursue any other method was to endanger the entire possessions and property of the company by a civil war; property and possessions which had occasioned a thirty years war, and cost this country immense sums, as well as the loss of many subjects. The very idea of such a hazard was enough to make a thinking mind shudder; every thing therefore that tended to move a civil war, was a matter of abundant nicety, and ought never to be ventured but on the most pressing necessity. Parliament, he thought, for these reasons, should seize the present occasion, and, by agreeing to the resolutions, assist the company in their wishes to convince their servants abroad, that their taking upon them to violate the orders of the company, and proceed to the length of a revolution in the government of a presidency, was not in itself a slight matter, or such a matter as would be easily overlooked, either by the company, or by the legislature of Great-Britain.

Mr. *Stratton* rose, he said, to object to the last resolution. He then stated, that the conduct of the council was not adopted but upon the most pressing necessity; that Lord Pigot's behaviour was in the highest degree tyrannical and arbitrary, both with respect to the council, and in respect to the nabob. That his Lordship treated the latter in a most injurious manner, threatening to set a guard over his person, and thereby, as well as by other ill-treatment, endangering his friendship to the company. That in council his conduct was equally obstinate and insolent; that he did not govern his behaviour with common civility, and, if he once took an idea into his head, would hear no arguments to prove that it was inconsistent with the interest of the company and of the presidency. That his Lordship was so irritated on finding the council were not unanimous in supporting his propositions, that he scrupled not at any mode of attempt to gain a majority; that finding common attempts fruitless, he took the extraordinary method of impeaching him (Mr. Stratton,) and Mr. Brooke, the two seniors of the council, and suspending their power of acting as counsellors. That finding Lord Pigot had acted improperly in Tanjour, had acted so as to disgust the nabob, and to put his friendship to the company to the hazard, and had acted in the council, to the prejudice of the interest of both the company and presidency, those of the council, who were instrumental in deposing the governor,

saw

saw most clearly, that there was no other possible line of conduct for them to pursue, to preserve the company's interests from absolute ruin, but by depriving the governor of his power. This measure, Mr. Stratton contended, was not put in practice with any violence, or any want of respect to his Lordship; it was necessary that his person should be seized at the moment that the revolution was in agitation; but there was no intention of continuing Lord Pigot as a prisoner. It was a fact well known, that he might have had his liberty in three days, had he chosen to accept it. So far was he from disavowing having taken a part in the measures which the honourable Admiral thought so reprehensible, he made no scruple to own that he was a principal mover of the revolution, and a principal agent in every measure pursued by the council respecting it. He contended, that the measure was necessary, expedient, and strictly justifiable. In proof, that those nearest the spot, and most capable of judging upon it, thought so, he desired that several minutes of the council of the presidency of Bengal might be read; from which it appeared, that the Bengal presidency watchfully regarded the proceedings of the council of Madras; that they from time to time gave their opinion of every measure the Madras council adopted; that they were particularly displeased with the conduct of Lord Pigot. That they predicted his being deposed, as a measure that promised to be necessary. That when he was deposed, they warmly approved of the conduct of the council, respecting the revolution. That they again and again expressed their entire approbation of the measure.

Mr. *Purling* took up the conclusion of Mr. Stratton's speech, and declared the company had never approved of the conduct of the council of Madras, respecting the imprisonment of Lord Pigot. He also objected to the reading of minutes of the council of Bengal, as a justification that the measure was warrantable, declaring that persons at so great a distance from Madras could not be competent judges of what passed at that presidency.

Mr. *Stratton* declared, that the connection between the council and governor of Bengal, and the council of Madras, was so immediate, that the former were certainly the best judges of the conduct of the latter.

Mr. *Gregory* said, that as a director of the East-India company, and a member of Parliament, he made no scruple to assert, that he did not think the conduct of the council of Madras, in deposing their governor, and making him a pri-

soner, merited any compliment. That there had been held a great number of courts of directors, and general courts at the India-House, upon the subject, immediately subsequent to the arrival of the news of it in England; that he had been present at every one of them; and never had, in the whole course of his life, attended any business more studiously; that so far from remembering either the courts of proprietors or courts of directors adopting any measure, or coming to any resolution which carried with it the least appearance of countenancing the transaction, he was perfectly in memory, that their conduct warranted no such insinuation. He concluded with expressly declaring, that the directors had, in all their proceedings, cautiously avoided giving any countenance whatever to those of their servants who effected the revolution in the government of Madras.

The motion was then read and agreed to *nemine contradicente.*

The house was resumed. The report was immediately made, and the resolutions were all agreed to.

Adjourned to the 19th.

April 19.

Mr. *Fox* rose to make his promised motion, which he gave notice of before the Easter recess, for the removal, he said, of the first Lord of the admiralty from his office, and from his Majesty's presence and councils.

He observed, that he would take up very little of the time of the house. He meant only to recapitulate the facts which he had brought forward in support of his former propositions. It would be sufficient barely to state them, for the purpose of calling them back to the recollection of the house, and present them anew in two different forms: namely, as the state of the navy in 1778 bore a relation to the naval power of France, and its comparative strength with that of a former period of naval preparation and war in this country.

To the motion itself, as a proposition to which the assent of the house was desired, he expected to hear one plausible and general answer given. He expected to hear it objected to as totally destitute of any proof to support it.

It will be said, have not the facts, or presumed facts, which have been urged on former occasions, been rejected by so many distinct negatives, in the manner they were separately proposed? That is, shall we now agree to come to a general vote of censure, upon an accusation which has been negatived in all its constituent parts? Shall we, in the capacity

young to entitle him to a seat in that house, he remembered, that he had been present at several debates on the Middlesex election, when an honourable gentleman, now a member of that house [Mr. Wilkes] was expelled upon an aggregate charge, such as that on which the present motion was founded. He was charged in the original motion, for publishing the North Briton, No. XLV.; for writing an impious and profane pamphlet, entitled An Essay on Woman; for writing a libel on a noble Viscount [Weymouth] then in high office, relative to the transactions in St. George's Fields, on the 10th of May 1768; and for being outlawed. Here then there were four separate charges collectively taken as a good ground of expulsion. The argument of those who supported the propriety of the vote, when pressed to take the sense of the house upon the several charges mentioned, was, Would it be proper to expel him for any one of them? No; none of those charges separately considered would justify the vote, but collectively taken, they were sufficient.

He remembered the persons who took the lead in that business; they were the same who he expected would oppose the present motion. He hoped, therefore, that they would either decline any opposition on the present occasion, or acknowledge that they acted unfairly and unjustly in the instance alluded to. Whatever his hopes might be, he had very little solid reason to expect so much candour at their hands; at all events they would stand convicted in the opinion of every impartial person; they would stand convicted of making their avowed doctrines and principles give way to their convenience.

But independent of the precedent he had just mentioned, his motion would stand fully justified from its nature and the object it pointed to; for the question would shortly amount to this, without the shadow of criminality attending it—Is the first Lord of the admiralty equal to discharge the functions of his office with safety to the state and with honour to the nation? Has he done it; or what reasons have Parliament to suppose, if he has not performed his duty heretofore, that he will act more wisely or capably hereafter? In fair argument and common sense, the strong probability is, that he will not. Suppose the noble Lord ever so indefatigable, ever so zealous or well inclined, the obvious deduction is, that according as the difficulties encrease, his inability to provide against them will likewise encrease. It would indeed be absurd, romantic, nay monstrous to presume, that the author

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of our very alarming situation should be the only person in the nation to rescue us from the consequences of that situation. It was the last degree of folly and madness to expect, that a person, who, by his ignorance and gross misconduct, had brought or suffered this country to fall from the highest pinnacle of fame, respectability, and naval glory, to the last stage of national degradation, weakness, and disgrace, contrary to every principle of public opinion and experience, was nevertheless equal to the very arduous task of acting as the saviour of his country, and the guardian of its interests, prosperity and reputation.

He next proceeded to enumerate the several charges of misconduct, incapacity, or wilful negligence, which he had brought against his Lordship in his three motions before the holidays.

He observed, that the noble Lord had asserted, in another assembly, on the 20th of November 1777, in reply to a noble Lord since deceased [Chatham], that there were on the preceding day, to wit on the 19th of November, forty-two sail of the line ready and almost ready for sea; thirty-five actually ready, whose complements were 20,300 seamen and marines; 18,000 and a considerable fraction of which were already abroad, and upwards of 3000 seamen and marines not shipped, which would more than supply the deficiency; that there were seven more ready to take their complements aboard, which could be easily procured in a very few days upon an emergency, by calling in the protections and issuing press-warrants. This was the noble Lord's solemn assurance in another place; but what truth there was in that assurance might be easily gathered from this circumstance, that when admirals Keppel and Byron went to sea in the month of June following, his greatest efforts, in the course of seven months, the last of which was a period of war preparation, produced no more than forty-two; twenty being sent under Mr. Keppel, thirteen under Mr. Byron, and nine sent upon miscellaneous services, to the West Indies, North America, &c.

He arraigned the bad policy of totally neglecting the Mediterranean, and not sending a squadron there on the first notice received of the formidable armaments going on at Toulon; and if that measure was thought hazardous, said there was not even a colour of cause for not detaching, in order to reinforce Lord Howe.

He condemned the sending out Mr. Keppel with 20 ships to go in search of an enemy greatly superior; and contended, that it was big with danger, and might have terminated most

fatally, had not the honourable admiral most fortunately fallen in with the Pallas and Licorne French frigates, and taken them, by which means he discovered, to his utter astonishment, that ministers had risqued his whole fleet, in order to preserve appearances which they meant to keep with the people. They supposed that Mr. Keppel might possibly not meet with the enemy, or if he should, that whether flight or defeat was the consequence, they might be enabled, by their arts, by their emissaries every where, and their hirelings in print, to shift the blame off their own shoulders, and lay it upon the admiral, the officers and seamen. Their subsequent conduct proved their disposition towards the admiral, and their real intentions. For when they found themselves no longer able to impose on the people, by its being known that the admiral returned for a reinforcement, they were urged by rage and disappointment, and shewed every mark of it in the whole of their subsequent conduct. The first Lord of the admiralty never thanked the admiral for returning, nor either approved or disapproved of his taking the two frigates; but permitted him to go to sea again, without giving the least token of approbation whatever, further than a cold official letter.

The noble Lord, however, did not long conceal his sentiments under the mask of coolness and indifference. His Lordship soon acted in an hostile manner; for, though he knew that Sir Hugh Palliser had accused, in a public print, by a letter signed with his own name, his commander in chief; and though his Lordship afterwards knew, that the vice-admiral of the blue had declined to call for a court-martial to enquire into his conduct, merely on the pretence of not obstructing the public service; yet in a few days after, when that gentleman preferred an accusation, without any cause whatever intervening, the accusation was received, and instant orders the same day given to the admiral to prepare for his trial.

How was it possible for any man of honour or spirit to serve with any safety to his person or character under such men, whose whole conduct was fraught with oppression and malice? It was a situation no independent man would submit to. It was a situation from which every wise and prudent man would fly with horror and disgust. The consequences were already felt in some instances; Lord Howe and Mr. Keppel were driven from the service; the whole body of sea officers were discontented, and that zeal, spirit, union and confidence, which is the very life of military enterprize *and success* in war, was fled, and the whole navy divided and split

split into factions. How the whole would terminate was more than he could venture to predict; but one thing was pretty evident, that discontents among those to whom the defence of the country was entrusted, bore a very alarming and ominous appearance; and if some remedy was not speedily applied, he foresaw, that ministers would finally accomplish that ruin, by their faction and intrigue, the foundation of which they had laid by their incapacity.

After dwelling for a considerable time on these circumstances, he mentioned several others of a less important nature; one, in particular, to shew the predilection which the admiralty-board had manifested in respect of ordering Mr. Keppel to be tried, though his accuser, the next day but one after the order was issued for that purpose, acknowledged in the face of the nation in that house, that he brought his accusation merely from motives of self defence, and merely to exculpate himself from a charge of disobedience made by his commander in chief.

As a farther proof of the partiality of the admiralty-board, which he considered to be entirely influenced, or rather directed by the noble Earl, he said, four of the members sitting upon the trial of the vice-admiral of the blue were persons who, on the former court-martial, had given the most favourable testimony respecting his conduct in the action off Ushant; and likewise, that the persons summoned to give evidence were such, who either knew least from their distance from the Formidable, or were otherwise less positive or direct in their testimony.

This led him to the effect probably intended to be produced by this trial, which originated in motives of revenge to his honourable relation; for if, by any management, the vice-admiral should be acquitted, the inference would be, that having done his duty, there must have been misconduct somewhere, which he was persuaded they would endeavour by this oblique manner to lay to the account of the commander in chief.

When he said this, he begged that gentlemen might understand that he meant not to throw the least suspicion, much less a direct imputation, upon the officers alluded to. He stated the fact as it struck him; and it was fair to argue upon it and reason by analogy to the conduct of other tribunals. He understood it was a good ground of challenge to a juror, if he was even suspected of entertaining a bias one way or other. He thought it a very proper precaution, and

the reason was obvious; because the law presumes, that the juror is wholly to be guided by the evidence of the facts alledged or controverted, and not by any pre-conceived opinion of his own. The tenor of his oath is the same with that taken by a member of a court-martial, who is restricted by it to give a verdict according to the evidence adduced in court, and not from any opinion formed upon his own knowledge or presumed knowledge.

As a farther reason for his being persuaded that the noble Earl all along acted from the same principle of secret enmity and resentment to his honourable relation, he observed, that after one of the most respectable courts-martial that ever sat had pronounced the charge brought by the vice-admiral of the blue to be malicious and ill-founded, ministers took no one step to shew that they were convinced of the justice of Mr. Keppel's acquittal, or of the infamy with which his accuser had been branded by that passage in the sentence of acquittal; nor would since, if he had not given notice that he meant, as the next day, to make a motion, which they learned was intended for the vice-admiral's removal. When that day arrived, instead of expressing a syllable of disapprobation of Sir Hugh Palliser, a noble Lord [Mulgrave], who enjoys a seat at the admiralty-board, rose and acquainted the House, that Sir Hugh Palliser had sent his resignation, and that the board had accepted it. Still, however, he retained the lieutenant-generalship of the marines, and his government of Scarborough Castle, till ministers again learned, that a motion to remove him from those two posts was meditating. Here they found themselves compelled to do what they feared might have been forced upon them. Accordingly the noble Lord in the blue ribbon, with no small share of visible reluctance, found out, that Sir Hugh Palliser had tendered a resignation of his command in the marines and his government, and that his Majesty had been pleased to accept of them. In short, he believed there was not a second instance in the annals of this or any other country, of a person who had been so publicly disgraced, being permitted to retain places of such rank, emolument and consequence, without any intention of removing him, till, by an unexpected address to the throne for his removal, the consequences of which his Majesty's advisers did not think prudent to risque, they found themselves obliged to acquiesce.

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He laughed, he said, at the pompous accounts of our successes in the East and West Indies, which made their way into the London Gazette, and said, they were of very little consequence, when it was considered how dearly they were purchased; particularly the latter, where one half of the troops were dead or dying in hospitals; nor did he think the news just received from Georgia was of consequence sufficient to balance the hazard and expence attending it. He said, he understood that Colonel Campbell was arrived from Georgia the night before, and brought an account of a victory gained over the Americans, but this victory came accompanied with a requisition for an immediate reinforcement. Our very victories and successes were nearly as fatal as our defeats. The troops under General Grant, the finest and best disciplined in the world, must return to America or Europe, or remain only to fall a prey to disease and the effects of a noxious climate; and the return of the second officer in command from Georgia, was a demonstration, that the expedition to that province was planned in weakness, and the mistaken idea, that the body of the people were attached to the British government. He said, that the force was inadequate either to effect conquest or give that degree of protection which was necessary to unite the loyalists or neutrals to the royal standard.

He protested, before he sat down, that he entertained no personal pique or resentment against the noble Lord at the head of the admiralty. His motives proceeded from his zeal for the good of his country. Uninfluenced by factious or party views, he stood forth in behalf of the state, which, if not rescued out of the hands to whom the reins of government were entrusted, must certainly be ruined, he feared irretrievably undone. The part he had taken was disagreeable and painful on many accounts; so much so, that nothing but a thorough persuasion that the present, or some similar motion, presented the only probable means for saving the nation, and for the recovery of its former power, reputation and glory.

He finally moved, "that an humble address be presented to his Majesty, that he will be graciously pleased to remove from his presence and councils John Earl of Sandwich, on account of the general ill state of the navy, under his administration, at the most critical seasons."

Lord

Lord *Mulgrave* said, he was in a very ill state of health, which he hoped would be admitted as an apology for his appearing unequal to the task of following the honourable gentleman through all his reasonings, and answering every one of his arguments. He said, he had not any intention of speaking so early in the debate, but that something had fallen in the course of the honourable gentleman's speech, which ought not to remain a moment unnoticed, much less ought it to go out of the house unanswered. His Lordship then, with warmth, reprehended Mr. Fox, for having been so rash as to attack the honour of the officers of the navy, by insinuating that the present court-martial were not likely to discharge their duty with fidelity and honour. The honourable gentleman's expression in substance was, "that there were four members of the court, who, on the former trial, had given favourable evidence respecting Sir Hugh Palliser." What was this but to insinuate that those officers would act partially? Did the honourable gentleman see the extent of his insinuation? Did he feel that it was an attack of the most serious, the most unwarrantable nature? Could he, could any man, suppose that the gentlemen now sitting on the trial of Sir Hugh Palliser would disregard the most sacred obligations, and be swayed by any prejudices to act contrary to justice? He had not patience at the suggestion, nor could he repress his amazement that any gentleman would hazard such an attack upon those brave men now at Portsmouth, to whose services this country had been much, and in all probability, would be still more indebted. [Mr. Fox shaking his head all this time, in token that the noble Lord had misunderstood him.] His Lordship said, if the honourable gentleman did not mean his expression in the sense I take it, I shall rejoice at having given him an opportunity of recalling it, and explaining what he did mean. It must strike every person present, to be either a wanton make-weight, in the catalogue of charges against the noble Earl, or a base attack on the honour and character of the officers on the court-martial. To me it appears thus; the blunderbuss was loaded some time since, and it was intended to be discharged as this day. It was hoped, however, that there would appear some colourable pretext for letting it off. No such pretext appearing, the gentleman was determined that the preparation of his materials should not be in vain. The intention of having it published to-morrow in the newspapers, accompanied with a misrepresentation of what I say, was doubtless the wish of the

the honourable gentleman when he let it escape him; but I hope every man who hears me will do me the justice to acknowledge, that I took the first opportunity of rescuing the characters of the officers now on the court-martial, from the virulence and injury of so base an insinuation; an insinuation which no man would have made, had he not been totally ignorant of all military feeling.

As soon as his Lordship grew cooler, he declared, that the admiralty had nothing to do with the present court-martial; that it was convened in conformity to the act of Parliament; that the judge-advocate, totally independent of any interference of the admiralty, summoned the witnesses, and proposed the questions. If there was any thing in the present court-martial which could, in any degree, be deemed management, he alone was the guilty person, and the whole blame ought to rest on his head. At the moment he incurred the blame, if any were due, he was determined to meet the consequence; he would not, therefore, hesitate to tell the House to what he alluded—it was this: in point of strict propriety, he ought to be at Portsmouth, and on the court-martial, but knowing the rage for detraction, calumny, and abuse, which now prevailed, he had solicited leave of absence, and it was granted to him; had it been refused, dearly as he loved the service, and attached as he was to the gentlemen and crew of his ship, he would sooner have quitted the navy, than have incurred the attacks that he well knew would have been made upon his character, if he had sat upon the court-martial.

His Lordship went into a long defence of the Earl of Sandwich, replying to several of Mr. Fox's assertions, and declaring that he was amazed at his present motion, after so many detections; he said, he could use no word so proper as the word detection, when he considered how often the honourable gentleman had come to that house, and endeavoured to persuade the house that what he took upon him to assert were facts, when he had not produced a single proof of any one of them, and most of them had by other gentlemen been proved to be ill-founded. He declared he had heard that two negatives made an affirmative, but he had never heard that five or six resolutions, each of them declared to be not true, amounted to one general truth; that to him who did not pretend to be so ingenious as the honourable gentleman, it by no means appeared to follow, that because every preceding resolution had been rejected, that therefore the house ought to adopt the present motion, but exactly the contrary. He added that the

the noble Lord, so far from meriting censure, merited great praise for his official conduct. When he came to the presidency at the admiralty, there was not a year's timber in any one of our yards, no stores in our arsenals, and the whole navy in a perishing state. The noble Lord, by his activity and sagacity, had entirely altered the case; he had broken through a combination of the timber-merchants, by beginning an importation of foreign timber, and now there was at least timber enough for three years consumption in every one of our yards; our arsenals were also full of stores; our navy had a greater number of large ships than ever, and it was not only in a respectable but in a flourishing state. If the motion were likely to pass, he should move to amend it, to leave out the last words, and to say instead of them, "the navy being in a better state than ever." His Lordship concluded with saying, that there was not a more able, active, or knowing minister, than the present first Lord of the admiralty, nor one who deserved better of his country.

Mr. *Fox* rose in reply, and answered the personal part of the noble Lord's speech. He said, he thought there was not one gentleman present, who could have so misunderstood and perverted his meaning. He disclaimed the most distant idea of either insinuating or charging any one of the members of the court-martial with partiality, much less with the breach of so solemn an obligation as an oath; neither his words, nor the sense in which they were employed, admitted of any thing like it. The words *favourable testimony* seemed to make a very extraordinary impression on the mind of the noble Lord, unless his Lordship presumed, in all possible cases, that a favourable opinion of the vice-admiral of the Blue involved in it a degree of guilt.

He was as ready as the noble Lord to acknowledge the high professional and personal merits of the gentlemen alluded to. He was persuaded, that no men possessed nicer feelings of honour, nor were more tenacious of preserving every appearance of impartiality, which their judicial situation required. He had the honour of a personal acquaintance with them; he spoke therefore with the greater confidence. He presumed, that the other gentlemen who constituted that court, though he knew their characters only by report, were equally so; but what he first said, he did not yet retract, that no man was fit to be a judge upon an event of life and death, or indeed in a matter of mere property, who was known to have any bias one way or the other. Such a presumed bias

no

no more imported wilful partiality, than it did any thing else; and he was ready to appeal to any one gentleman present, learned in the law, whether the whole system of English jurisprudence, and every form and mode of proceeding incident to the exercise of it, did not militate in the strongest manner against the admission of any person, to be a judge on merits of which he was known to have formed a previous opinion? Such a wholesome provision in the manner of legal proceeding, was wise, and founded in reason; because it operated towards the attainment of substantial justice, and no more impeached the honour or integrity of persons under such circumstances than it did on the account of any other sentiment or opinion they might entertain, though not at all connected with the subject matter. But his words did not go that length; he had not stated a previous opinion as the ground of objection; he only mentioned a favourable testimony, as applicable to the admiralty board, not as applying to the conduct of the gentlemen themselves, to shew that the board ought to have avoided every thing which could be interpreted into an appearance of partiality.

There was an expression which fell from the noble Lord, that he wished to hear explained, because, as it now remained, it seemed, in his opinion, to require explanation; it was where his Lordship charged him with being a stranger to military feelings. If the noble Lord meant that he was ignorant of the profession of a seaman, he acknowledged it; but if he presumed that he did not feel as an officer, when those feelings were supposed to apply in common to the sentiments of an officer and a gentleman, he wished the noble Lord would avow it, or explain what he meant; because, in one event he should rest contented, and in the other know what was proper to be done, and to take the notice of it such a charge deserved.

Lord *Mulgrave* said, he would not recede, but would plead example in justification of what he had said; he meant the example of the honourable gentleman, who, upon almost every occasion, shewed a disposition to depart from the subject of debate, and to indulge himself in the most indecent and ill-founded invectives. He was satisfied that the honourable gentleman had no intention of traducing the characters of the gentlemen alluded to; and he was sorry that he had not so expressed himself, when he was first up, as to have prevented a possibility of his being misunderstood; though he was still of opinion, that the words fairly admitted of the interpre-

interpretation he had put upon them. Warranted as he was from what had passed, till the words were explained, he was not at liberty to interpret them in any other manner; now they were explained, he was ready to receive them in the sense they were intended by the honourable gentleman. While he was up, he would, however, take the liberty of making one observation; that in matters of such delicacy, where the honour and reputation of absent persons were concerned, he thought it behoved that honourable gentleman, who was so prone to exercise attacks of this kind, to be more measured in his language, and not throw out facts and insinuations at random, which either directly, or by inference, might affect the reputation of professional men, whose greatest treasure and boast was a character of probity, and a nice sense of honour.

Admiral *Keppel* rose next, and confirmed almost every thing which had been mentioned by the honourable gentleman who made the motion, respecting the force in Brest-water on the 20th June; and the unkind and ungenerous treatment he had received from the admiralty-board, to whom he had openly and without reserve communicated his most secret thoughts and opinions, though he confessed he never looked upon any of them to be his sincere friends. But he acted not upon motives of favour. His sovereign and his country called upon him, and had a right to his services, and he could fairly lay his hand on his heart and say, "that he had done his utmost; and if the operations of the last campaign had not turned out equal to the public expectations, he was fully conscious that he had acted with the warmest zeal to the utmost of his abilities: and although he widely differed in political sentiments with the king's servants, he defied any one of them to quote a single instance, in which those sentiments mixed with the discharge of his professional duty."

He confessed his situation was proud and flattering; to be singled out from among several officers of much superior merit; and the distinction, were it possible to inspire more zeal and activity in him, was such, as must have made very strong impressions on any man. He felt how much he stood indebted to his sovereign and the nation, and it might be readily conceived what a contrasted situation he must have felt himself in, when brought to a trial for his life, as the only reward of his poor services; and still, if possible, a more mortifying consequence, what he must have experienced

rienced when he found himself driven from the service by necessity; for surely no person would seriously contend for a moment, that he ought to have retained his command, while his life, his honour and reputation were in some measure within the power of the same men who had successively made attempts on each of them. He said, if these impediments had not so directly stood in the way, the conduct of the admiralty-board betrayed the same spirit of implacability, and the same desire to get rid of him, since his actual disgrace could not be effected. Ministers knew for some weeks previous to his setting off for Bath, for the recovery of his health, of his intention to go. They permitted him to go; and as soon as they found that he had left town, and had of course made the necessary arrangements for the restoration of his health, they sent one letter, and never followed it with a second.

He thought that their enmity had been satisfied in first bringing to a public trial, and afterwards driving him from the service; but it was, it seems, not sufficient. In the trial now going on at Portsmouth, they were, by a side-wind, trying him a second time, and endeavouring to disgrace the very able officers who had acquitted him; and since they could not convict him in a direct, they were using the most unremitting endeavours to condemn him in an indirect manner; but, thank God, their arts would fail of effecting their intentions. If they tried him every day, he was certain that they could fix upon him no charge of incapacity or breach of duty. The transactions of the 27th of July, though they might be misrepresented, they could not be concealed. There were too many witnesses, men of honour and character, and of independent principles and spirit, present on that day, whom no favour could tempt, nor no motives but those of truth and justice influence, with whom he would be ever ready to deposite his professional character; for in them he always was persuaded he would find the guardians of his honour, and the friends of no man or party, but of truth and justice.

He made several observations on the language of an honourable gentleman in a preceding debate [Governor Johnstone], who had charged him among others that had avowed their intention of declining the service, that when any man became too great for the state, he ought to be convinced that he was no longer worthy of employment. This, he said, was a very unfair and cruel insinuation. The same honourable

honourable gentleman had given a decided opinion on his conduct, respecting his first return into port for a reinforcement. He wished the honourable gentleman had considered both circumstances before he ventured to decide so positively on his motives for declining the service in one instance, or his conduct for returning into port in the other. The question in the first place was, if called upon to serve, whether he could have done it with any prospect of success? The honourable gentleman's argument did not come with any peculiar force; because, in the instant he was observing that officers ought not to be permitted to be too great for the state, he found fault with him for returning into port, and with his general dispositions in the day of action, presuming that he himself, were the battle to be fought again, would fight it in a better, or in another manner.

Here was an argument there was no escaping. "It is wrong to employ you; you might have fought the battle in a better and another manner, and you should not have returned into port the first time, because you neither knew whether the French were superior, or if you did, you should nevertheless have met them. But though we impeach your military skill, and charge you with a want of zeal, still, if you do not serve, you are thereby attempting to sow faction and discontent in the fleet. The whole of which, drawn into an abstract proposition, applied to me and a noble Lord over the way, amounts to this, that no officer ought to be permitted to become too great for the state, because he refuses to serve under men who have proscribed his honour and reputation.

After several reasons given in detail, why he could not trust the ministry, particularly that part of it with which he must be more immediately connected, he declared his readiness to do it, if properly called upon. He was, and ever would be at the service of his sovereign and his country, and he had no liberty of his own, he said, whenever his services were thus called for.

He said, he was not present at the debate in which an implied charge of mutiny had been made against him and the captains who met to address the King. He was then at Bath, but he understood that the charge was made by the same honourable gentleman who had condemned the rest of his conduct. That, as well as every other assertion and interpretation put on his conduct, was misrepresented. He did,

did, it was true, meet several officers of rank and reputation; but so far from desiring them not to serve, he pressed them to serve; and as well as he was able, pointed out to them the impropriety of declining the service at such a critical conjuncture. He was amazed at the word *mutiny* being used by any honourable member; but he had learned from experience, not to be surprized at any interpretation but the true one being put on his conduct. He could, without any impeachment of his duty or his honour, promote such a mutiny any day; and if he desired the captains, as he did in the instance alluded to, to serve their country, he presumed it could be no crime in the opinion of any, but those who were predetermined to censure every part of his conduct.

He complained of the attack made upon him by the vice-admiral of the blue, in the newspapers; and the continual misrepresentations which were circulated without doors to his disadvantage. He valued them not, thank God, and would always abide by the sense of his country, as there was nothing he more sincerely wished than to have himself judged in that manner.

He understood, that, in the course of the last debate, the noble Lord in the blue ribbon had justified the not sending a squadron into the Mediterranean on a presumed advice of his, that it would not be prudent to detach. It was very true, he gave it as his opinion, considering the inadequate state of our naval force; but he begged leave to say, that such an opinion did not imply any approbation of the measures which created the necessity of not detaching. It was likewise urged, that his opinion, that a squadron could not be spared to block up the French fleet in the Mediterranean, was understood as a disapprobation of detaching at all. Nothing could be farther from his thoughts than either to send too large a detachment at one period, or to send it too late. Though we could not spare thirteen ships, we might have detached five: by that means, Lord Howe would have been rendered superior to D'Estaing, and the other eight ships of the line would have been such an augmentation to the western squadron, as would have rendered it equal, when he first went to sea, to that of France, and have given him a decided superiority in all the subsequent operations of the summer.

He mentioned the superiority of the French to his squadron, when he first went out; and said, he was astonished

how any man could doubt it, after the proofs of the fact which had already been exhibited; but much more that ministers would do so, when they knew that he could prove they were fully informed of the fact.

He observed, that no man had more freely or unreservedly dealt out his censures upon administration than the honourable gentleman under the gallery [Johnstone], and yet he understood he was again going out under their auspices. He did not presume to find fault with the honourable gentleman's resolution; but he could not help presuming that he entertained more favourable sentiments of the wisdom and ability of administration, than he seemed willing to acknowledge.

He then entered into a review of the conduct of Lord Howe, bestowed upon it the highest encomiums; and affirmed, if it had not been for his superior skill and ability, our naval force in America would have been destroyed or taken; and that the greatest and most fortunate exertions of the noble Lord must have failed, had D'Estaing either arrived at the mouth of the Delaware a few days earlier, or had proceeded directly to New York.

Governor *Johnstone* entered into a long justification of his former speech. He differed in opinion that it would have been safe for D'Estaing to have proceeded directly to New-York, or have remained there, when he was not sure that the first prospect each successive morning might have presented, would not be the united fleets of Lord Howe and Mr. Byron, in which case his ruin would be inevitable. He contended, and would ever contend, that Lord Howe was equal to D'Estaing off Rhode Island; and that although the French admiral had arrived in the Delaware, such were the natural defences and obstructions to the navigation of large ships up that river, that both the fleet and the army would have remained perfectly safe.

He denied that he had made any personal attack upon the honourable admiral who spoke last, when absent. He gave his opinion fairly, and without reserve, as a member of that house. What he said, was founded upon facts of public notoriety, such as, that the admiral had so many ships, the French so many, and that such was the issue of the contest of the 27th of July.

Those were matters which a professional man might speak of with some confidence, though not with certainty. They were facts every man was at liberty to reason upon. He said,

said, that whatever his opinion of administration might be, he could not come into the ideas of opposition; a separation between Great Britain and America was a measure he would never consent to, as long as the least prospect of success remained. He was certain that such a political connection as was proposed, in which the rights of both countries were acknowledged, would be equally beneficial to them; while a separation would be no less fatal. It would amount not only to the relinquishing of the trade and commerce of that country, and the consequent decrease of our naval power, but would add proportionably to that of France in each respect.

He said, he heard with joy and great inward satisfaction, his opinion in respect of sending out a reinforcement to Lord Howe, receive the approbation of the honourable admiral. He spoke to the propriety of that measure, and voted for the censure of the admiralty-board, merely for their neglect in that instance. It was plain, by the honourable admiral's avowed opinion, that administration could not safely detach a sufficient force to the Mediterranean. It was equally evident from the same authority, that they could have spared five ships, which would have been enough to have given the noble Lord a decided superiority; nor was it less clear, that in neglecting to do so, they had betrayed the greatest incapacity.

The censure of ministers for sending out the honourable admiral with 20 ships, was not, in his opinion, well founded, unless it could be proved that more were ready. If they sent a smaller, when they might have sent a larger force, they were highly to blame; if they could not, all circumstances considered, he thought the measure very justifiable. At most, if any blame was due, it could be only on the ground, that the detachment under Mr. Byron was too large, and from that circumstance, the squadron for our home-defence and the protection of our returning trade fleets was unnecessarily weakened. Combining these two circumstances, he partly agreed with the honourable admiral; but on the supposition, that it was necessary to detach thirteen ships of the line to reinforce Lord Howe, the other measure, that of sending out the honourable admiral with twenty, was, in his opinion, every way defensible.

He avowed his wish to serve, and his readiness to accept of any command which administration thought proper to entrust him with. It was a season when the state called

upon the services of every man, of every party, whose abilities or habits of life, or profession, rendered him a fit person to be called upon.

As long as the war was a war upon the rights of Americans, and upon the liberties and privileges they were entitled to as British subjects, he was determined to decline his most favourite pursuit, that of his profession; but as soon as France interfered in the contest, the nature of it was totally changed. It was not now a war with America, but a war with France, allied with a part of our own subjects, the object of which was the destruction of England.

In that light alone he should ever hold it; and in that light, he, for one, thought that no man could withhold his services from the state, without tacitly acknowledging himself to be very indifferent as to the issue. Our situation was, he confessed, difficult and dangerous, but was nevertheless accompanied with a variety of circumstances, which held out prospects of success and better times. He described the state of America, the weakness of the usurped government established there, the total inability of France to give the colonies any succour, or assistance, the destruction of the French commerce, and a variety of other matters, to shew, that America, in case the operations of the ensuing campaign were pushed with spirit and vigour, would of necessity be compelled to submit and accept of reasonable propositions, for a permanent accommodation, of all the subsisting difficulties.

He advised ministers to lose no time in the necessary preparations for a vigorous campaign in America; for if either the troops meant to be sent thither were deficient in number, or sent too late, it would be much better not to send them at all. The consequences would, and must be one or both of these: that nothing decisive could be attempted with an inadequate force; and that even with an adequate force, collected too late, no effective or general plan could be carried into execution. He hoped to hear or see no more ridiculous campaigns, which served only to lavish the money and the best of blood of this country; that whatever was attempted would be speedily attempted; and that in such a manner, as to promise every rational hope of success.

He entered into a defence of the admiralty-board, respecting their treatment of the two Admirals [Lord Howe and Mr. Keppel]; said that if they refused to serve under that board, it was not the fault of the board; for it had no power that he knew

of

of to force them into the service. The admiralty board were not answerable for the contents of the letter published in the newspapers, and signed Sir Hugh Palliser; nor did he think when every other mode of redress was refused, that a newspaper was an improper channel of conveying the sentiments of persons, who thought themselves aggrieved, to the public eye. He instanced the case of Lord Chatham, on the motives of his resignation, and of his accepting of a pension for himself and family, and a barony for his Lady and her heirs, in a letter to Alderman Beckford, which was circulated in all the public prints; and of a Roman emperor, who being libelled, answered the libel by a publication affixed on his palace gates.

He instanced the case of the late Lord Anson, Admiral Holbourne, and the present Lord Hawke, who were severally sent out with squadrons inferior to those of the enemy, who never impeached the conduct of those who sent them out, or turned the circumstance into a ground of accusation.

He went into a variety of observations of less moment, and said he could not give his assent to the motion proposed by his honourable friend, as there did not appear sufficient evidence of the facts on which the censure of the noble Earl's conduct was avowed to be grounded.

Mr. *James Grenville* stated several computations respecting the naval force of the present day, and that of a similar period, during the late glorious war, to prove, that although greater sums had been expended the three first years of this war, than the three first years of the former, that our navy was not nearly in so respectable a condition.

He mentioned the shameful, the criminal neglect of the Mediterranean, and said we must expect and look, and perhaps the event was at no great distance, for the loss of Minorca and Gibraltar.

He drew a picture of former administrations, particularly that of Mr. Pitt, afterwards Earl of Chatham, which he contrasted with that of the present: and begged that fortune might not be supposed to have any hand in either, because the causes in each period, according to the general course of human occurrences, must have produced the effects which followed, weak measures, ruin, and disgrace; those planned in wisdom, and conducted on the principles of the constitution, which were all directed to the public good, fame, honour, and success.

He spoke shortly to several parts of the question, and presumed there was not a person present who seriously doubted

whether proofs had not been laid before the house, fully sufficient to justify the present vote.

Lord *Howe* answered Lord Mulgrave as to several particulars. He denied that the two ships of the line were intended as a reinforcement, one of them being sent with the commissioners, and ordered to return with them should they make no stay, and without them if they should; and as to the other, the Eagle, being ordered home with him, it rendered the force equal to what it was before those ships were sent out; so that, on the whole, the reinforcement stated by the noble Lord amounted to just nothing.

He then replied to Governor Johnstone. He said that the army could never have made their retreat good from Philadelphia, if D'Estaing had arrived a few days earlier; that the Delaware would have been blocked up; and that the supply of provisions being cut off, the army, under Sir Henry Clinton, must either have been starved or be compelled to force their way to New York, under every possible disadvantage; or supposing that the army might have gained New York without any considerable loss, the force under his command in the Delaware, deprived of their co-operation, must have fallen into the enemy's hands; the consequence of which must be, that by the assistance of the rebel army, and the additional force, D'Estaing might have avoided an engagement with Mr. Byron, or met him with a confessed superiority, some of his ships having been separated from him in the gale of wind on his passage from Europe.

As to his force being equal off Rhode Island, to that under the command of D'Estaing, he denied it; and begged leave, once for all, to contradict the honourable gentleman's assertion. It was neither equal in point of number of ships of the line, or numbers; and it was, in his opinion, to the last degree absurd and impracticable, to talk of a line of battle; and, in the ideal arrangement of it, to state fifties and forties being brought into the line, and supposing that they could lie alongside seventy-fours and large French sixty-fours. The particular instance on which the honourable gentleman so much relied, of an English fifty [the Phœnix] engaging a French seventy-four, afforded no good ground for so wild a conjecture; and he would recommend to the honourable gentleman, should he be called into actual service, not wantonly, upon the presumption of superior skill or courage, to risque too much upon those circumstances; for if accidents proved sometimes favourable on one side, it furnished a fair argument, that they might

might prove, at another time, equally favourable on that of the enemy.

His Lordship then entered into the detail of the 27th of July, and observed, that in operations of great magnitude, too much stress should not be laid upon the circumstances of superior skill and bravery. It was a mistaken doctrine; and one that he never liked to hear urged with too great confidence. It was wrong to despise an enemy on those accounts; for what he deemed, and always should, the best pledge of success, was an equality of force. The British navy had often triumphed with an inferior force; it was not however always the case: for his part, he would trust to an equality; he would not be detered from his duty, though a superiority was against him; but, as a seaman, when an equality or superiority of force could be procured, he would ever prefer it.

Lord *North* replied to Mr. Fox, upon the precedent of an honourable gentleman's expulsion [Mr. Wilkes], on which he seemed to lay so great a stress. The precedent that he had been expelled upon an aggregate charge, consisting of four separate articles:—First, For a republication of the North Britain. Was not that fact known to the whole kingdom? Was not he legally convicted in a court of law? Was not that gentleman convicted upon a similar charge, respecting the Essay on Women? Had not he avowed at the bar of that house, that he was the author of the libel on a noble Viscount, then in high office [Weymouth]? and was not his outlawry upon record, though, from some circumstances of informality which arose in the course of the proceedings, the outlawry was reversed?—He begged the honourable gentleman to consider whether any one of those charges could be controverted, much less denied; three of them were matter of record, and the fourth was founded on that species of evidence, always received as the best and most conclusive, the confession of the party accused, in the presence of the judicature, which had cognisance of the offence, and who were to determine upon the truth of the charge that was to lead to the punishment they were about to inflict.

He then proceeded to examine the nature of the proofs of the respective charges, on which the honourable gentleman had founded his present motion. He had accused the noble Earl with deceiving the nation in November 1777, by affirming that there were at that time ready, or nearly ready for sea, 42 ships of the line. Had the honourable gentleman proved that there were not? No, certainly he had not; on the contrary, the affirmative had been proved over and over again,

in the course of the debates on the subject. The next charge was, that we were not equal to France in June, and the proof was, that Admiral Keppel sailed early in that month with only twenty ships of the line, while there were twenty-seven or thirty-two ready to proceed to sea from the harbour of Brest. To this he would give a direct answer, that both the fact and the consequence on which it was founded, were equally void of proof to support them. For it might with much more justice be asserted, that the naval force of this country was fully equal to that of France in June; because, when Mr. Keppel sailed from Plymouth, there were not more than seventeen, at most twenty sail of the line, ready to proceed to sea from Brest water. Here his Lordship went into several arguments to maintain this position, such as that the papers found aboard the Licorne and the Pallas contained no specific proof whatever, only a mere paper of anchorage, without date, which might be presumed to bear relation as well to a former or future arrangement (of a pilot's mere instruction for anchorage); but what put the matter past doubt in his mind, and took away every pretence for controversy was, that D'Orvilliers looked upon himself to be inferior to the western squadron, otherwise he never would have staid in harbour, while he was convinced that he had a superiority of three to two over an enemy, then stationed off the coast; and waited, from motives of inverted policy, till that enemy was in a situation to meet him upon equal terms.

His Lordship then defended the propriety of not detaching earlier, or not sending a squadron to Gibraltar, in order to block up that of D'Estaing, and thereby preventing him from proceeding to America.

The honourable Admiral, who lately spoke in the debate, acknowledged frequently that it would not be prudent to send a fleet to the Mediterranean; and, for his part, he was equally clear, that it would be a very hazardous and dangerous measure to have detached Mr. Byron on the service on which he was sent, till it was first known what course D'Estaing had taken; till it was known that he was in his way across the Atlantic, or meant to have joined the Brest fleet.

The honourable Admiral had acceded to, or rather confirmed, these reasonings, in the course of his speech, but said, why not send five ships to reinforce the noble Lord, then commanding in America? And the noble Lord himself had confirmed this argument, by saying that he was inferior *to D'Estaing*.

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He begged leave to answer both those objections. To the honourable Admiral, it was enough to answer, that the noble Lord was equal, if not, nearly equal, to D'Estaing; and that ministers were fully justified in hazarding and trusting to a trifling inferiority, on the part of the noble Lord, so long as they remained in a state of suspense, concerning the destination of the squadron under D'Estaing. To the noble Lord who had said that two ships, which composed part of his squadron, made no addition to the strength of the naval force in America, it was sufficient to observe, that in the situation he was in, apprized of D'Estaing's supposed destination, he would never have permitted the ship which carried out the commissioners to return, nor come home in the Eagle himself, when he must perceive that the reducing the remaining force would have been little short of devoting it to the enemy, which, in that event, must have been manifestly so far superior, as to cut off almost any well-founded prospect of successful resistance.

His Lordship passed several handsome compliments on the noble Lord near him [Mulgrave]; said he had stated the matters now cursorily mentioned by him, in a manner which rendered his rising very unnecessary, had not the honourable Admiral over the way, and the noble Lord behind him [Howe] pressed so strongly the necessity of sending out a small detachment, in order to give the noble Lord, last mentioned, a superiority over D'Estaing.

His Lordship said, he must take notice of the language of the honourable Admiral, whose principal complaint against the noble Lord at the head of the Admiralty, and the rest of his Majesty's ministers, and which he assigned as a very strong motive for his declining to serve, was, that he was not begged and entreated and supplicated to serve.—He assured the honourable Admiral, if he knew that no other impediment stood in the way, he was so well apprized of his great abilities, and so anxious to see them employed in the service of his country, that instead of writing one letter, he would have advised the writing of a second and a third, in order to effect so desirable a purpose; and he was certain so would every one of his Majesty's servants. He had to lament that he did not know in time, that all the honourable Admiral wanted to induce him to the performance of his duty was, to be begged and entreated; for he assured him, as far as he had any voice or influence in his Majesty's councils, no ground of complaint would have remained on that head.

To that part of Mr. Fox's speech, which contained a charge of partiality and enmity in adminis ration towards the honourable

honourable Admiral, he next replied; as it could not be the interest of administration to persecute or prosecute Mr. Keppel, so now it was not their wish to either screen or exculpate Sir Hugh Palliser. Ministry knew nothing of that gentleman's intended charge, till it appeared in the shape of a specific accusation, formally preferred to the board of Admiralty; nor was there the least intention of shewing any favour or indulgence to Sir Hugh Palliser, but what he was entitled to from principles of humanity and justice. His Lordship observed, that no accusation having been made, the admiralty board, upon what came out in evidence on the honourable Admiral's trial, thought that the minutes on that trial afforded sufficient matter on which to ground an inquiry into the Vice-admiral's conduct; they held it their duty to do so; and, in his opinion, nothing but the most malignant disposition, factious malice, and party rage, could have led any man to conclude, that either the noble Lord, or any other member or members of Administration, had interfered in the difference which arose between the Admiral and Vice-admiral. It was to the last degree absurd and monstrous; it was indeed a malicious and ill-founded accusation to say they did, and could only have originated in the rage and disappointment of party, and in the most extravagant phrenzy and fury of faction.

He perfectly corresponded in sentiment with the noble Lord who spoke early [Mulgrave], that it was cruel, ungenerous, and indecent, to attack men in the performance of their duty; and an act of duty too, very far from being pleasant, that of sitting on the life and honour of a brother officer. It was the last species of persecution towards a fallen and unfortunate man. It was an unjustifiable attack upon the characters of professional men, and could be designed for no other apparent purpose, but deterring them from the performance of their duty, by holding out the alternative of either consenting to convict, perhaps, an innocent man, or of submitting to the obloquy of having been so far influenced by partial or corrupt motives, as to sacrifice every thing which they should hold dear, as men and officers, the preservation of their honour, and a due regard to their oaths.

He spoke of the remonstrance signed by the naval officers, and said, though there were several signatures to that paper, which he ever had and ever would revere, he was free to say, that it gave a very dangerous example, and was in its nature subversive of all discipline and subordination. If appeals of such a kind were promoted or encouraged, no person could *say where* they might end, or whether in time they might not

not be extended to every subordinate rank and class of seamen, and instead of promoting the purposes which it affected to recommend, be productive of mutiny and disobedience.

His Lordship concluded with saying, that, as nothing which went to the aggregate charge had been proved; or taking the matter fairly both formally and substantially, as every separate charge had been disproved and negatived; so it required no argument to shew that an aggregate of a thousand negatives could never be made to amount, in reason or justice, to a single affirmative.

Admiral *Keppel* repeated, that although the home service would not admit of a large detachment for either the Mediterranean or America, that nevertheless five ships might have been spared early enough to reach America before D'Estaing reached it; which would have had the desired effect, that of giving him a superiority at his going out the first time, and in the course of the whole summer after, as well as the noble Lord under the opposite gallery. He would, by that means, have gone out with twenty-eight instead of twenty ships, and after his reinforcements reached him, he would have had a force of forty ships of the line, which would have been such a decisive superiority, as must have blocked up D'Orvilliers, or, if he had ventured to come out, would, in all human probability, have ended in his destruction.

The noble Lord in the blue ribbon had affected to be very witty at his expence; he was very glad when any thing which fell from him furnished an opportunity to the noble Lord to display his wit, which it was acknowledged on all hands he could exert at will; but since the noble Lord had been indulged in his witty ironical strictures, he begged leave to observe, that so far from saying that he desired to be begged or intreated, that he did not even insinuate any such wish or expectation. He complained, that, on his acquittal, he received a cold letter. He complained, that another had been sent to his house in his absence, when it was known he was out of town for the benefit of his health, and that no further notice had been taken of him. Now he could not perceive any thing in this short, but plain narrative, that indicated a wish or desire to be begged, supplicated, or intreated. He stood fairly in the opinion of every professional man in the house, naval or military, whether this treatment amounted even to a common encouragement, such

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as should accompany a trust of such importance, for him to resume his command; or, whether his declining to serve under such circumstances, might be fairly interpreted into a wish to be begged to serve, to be humoured in the petulance and caprice of a child, who required pressing to accept of what he would not take without being intreated and solicited. He assured the noble Lord he was no child, however capricious he might deem him; neither did he regard the ministry as children; but if the noble Lord wanted to really know why he mentioned the letter, he would fairly tell him, that at so important a crisis as the present he did not love to lie still, for he was ready to serve whenever he could do it with security, and upon such terms as he could safely trust to.

Lord *North* made a short reply to the admiral. He said, he did not consider him as a child, and was sorry that he understood him to be in jest when he was most seriously in earnest. He believed the letter alluded to was drawn up in the common forms of office: there was nothing, he presumed, omitted that ought to have been inserted; and if there was nothing added, the honourable admiral had no reason to charge the letter with coldness on that account. As to the honourable admiral's readiness to serve, it amounted to very little, if it was meant to be accompanied or clogged with conditions not usually annexed to commands of a similar nature. He was perfectly serious when he expressed a wish for his services; but that wish, he confessed, did not extend farther than the general rules and usages of the service were strictly adhered to.

It was not, in his opinion, quite fair to charge administration with driving him from the service of his country, when, in fact, taking the matter either way, his declining to serve amounted to a direct refusal to serve, if, in accepting the command, he annexed terms to that acceptance not warranted or supported by precedent.

Right honourable *T. Townshend* contended, that every single step taken by administration afforded the most unequivocal proofs that the same system had been uniformly pursued, that was a proscription of every officer who professed to be a whig, or acted independently, or dared upon any occasion, as a senator, to differ from the King's servants.

He instanced the cold and unkind treatment which the late Sir Charles Saunders had experienced at the hands of ministers. On the prospect of an approaching rupture with

with Spain, relative to the dispute concerning Faulkland's Islands, that gallant seaman was called upon, he believed reluctantly, by ministers. He attended to their call with alacrity, and with that zeal for the honour of his King, and for the interests of his country, for which he was so justly distinguished. When that affair blew over, after the admiral had put himself to a very great expence in necessary preparations, the ships were disarmed, and thenceforward, to the day of Sir Charles's death, ministers took no notice of him, but resumed their former coolness and neglect, manifesting the most pitiful and paultry resentment, that of neglecting even to make an offer or acknowledgment for the very considerable expence he had been put to.

He then gave an history of the treatment of Mr. Keppel, from his being called into the closet in November 1776, to give his opinion respecting the then situation of naval affairs, and the armaments going on in the ports of France and Spain, to the instant he was speaking; and contended, that in every one instance, ministers had acted either in a style of coolness, diffidence and neglect, or directly hostile.

He said, no change could be expected which would vary the situation of a professional man. It was the report of the day, that Lord Sandwich, after he should be carried through the ordeal, by means of a corrupt majority, was to resign, and give place to Lord Hilsborough. What was this but a continuance of the same weak and wicked system? A system merely framed to keep the patronage of the navy in the hands of great Lords, who were known to be subservient to the will of the court, to have a *land* lord-admiral to command our navy in times of war.

Mr. *Welbore Ellis* spoke of the advantages an absolute monarchy had over a limited one in times a war. He applied the argument to the conduct of the admiralty-board, that when hostilities were commenced we had always the worst of it; and that he never recollected a single instance, nor read of one, in which we were fully enabled to exert ourselves till the third or fourth year. In King William and Queen Anne's time, history supported the truth of the observation; and in the war in 1739 with Spain, and afterwards with Spain and France, though it continued for almost ten years, we had never struck what might be called a decisive blow, till towards the close of it, when Anson and

and Warren, and the present Lord Hawke, had successively defeated the French fleets; the consequence of which was the favourable terms we afterwards procured from our ally, the present Empress Queen, no less than by much the greater part of Austrian Flanders, then in the possession of France.

He spoke likewise of the conduct of the late war, and shewed, that we experienced very little success till the fourth year.

The conclusion he drew was, if there had been any apparent weakness in our state of naval preparation and its effective force, it was clearly imputable to a radical cause, inherent in our constitution, which while it occasioned our first efforts to be weak and feeble, amply counterbalanced that defect, by the additional strength and vigour which it infused into all our subsequent operations.

Colonel *Barré* rose, and passed the highest encomiums on the conduct of Admiral Keppel, which he contrasted with the partial, cool, and persecuting behaviour of ministers. They had inveigled him, as it were, into the service for certain temporary purposes; and as soon as those purposes were answered, they conspired to effect his ruin. They imagined that they could cover the ruinous state and condition of the navy, under that gentleman's fame and reputation as a seaman, and his popularity as an honest independent man. When they had secured that point, they instantly began to plot his destruction. He was equally lavish in his encomiums on the noble Lord who commanded in America, and in contrasting his professional merit with the treatment he received from ministers, affirming, without reserve, that their great abilities, their integrity, and their known independent spirit, and love for their country, were the true motives for the neglect and indifference shewn to one, and the persecution and coldness shewn to the other. He said, besides all their great and good qualities, they possessed a species of professional popularity among their brother officers more perhaps than any two men ever experienced at one time in this country. It was not a popularity that was confined to the officers alone, or to even the very seamen serving under them; it was universal in every quarter of the globe where a British seaman was to be found. "Little Keppel!" and "Black Dick" were the favourites, and he solemnly protested, that he believed, if the whole British navy was to rendezvous and be united in one squadron, or destined to

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two services, and that Little Keppel or Black Dick were to command jointly or severally, that such was the confidence, affection, and estimation those officers were held in by the whole body of British seamen, that a press upon such an occasion would be rendered in a great measure unnecessary. They were honest men, that was a crime; they were both able and honest, that was a greater crime; they were honest, able, and independent, still worse; but they were honest, able, independent, and popular, and that was the greatest crime of all. Such men, with such dispositions, were not proper objects of ministerial confidence or attention; servility, flattery, and all the deceptious arts by which the present set of men in power have attained to their elevated stations, and have kept themselves in them, are expected from all their subordinate instruments. A system of so much weakness, art, and villainy, must be supported throughout every part of government! it must be prevalent and universal, or the whole fabric may fall about the ears of its contrivers and conductors. Lord Howe and Mr. Keppel were not men fit for the purposes which must be effected by such a system; they could not, nor would not co-operate in support of it; and, since ministers were rash and confident enough to hazard every thing upon the issue, he was of opinion, that they had acted consistently and upon principle, in driving those two great officers from the service. But when he gave them credit for this management, he warned them to be aware of the consequences in case of defeat or disaster. The nation, in case of misfortune, would demand justice—the heads of ministers were staked on the issue—they were entrusted with the executive power—Parliament had placed in them an unlimited confidence; they had repeatedly pledged themselves to Parliament for the measures they had advised their Sovereign to adopt, and should any fatal disaster follow, their heads would be made responsible for the consequences.

The noble Lord in the blue ribbon was generally esteemed an honest man, indeed he believed he was a very honest man, in the sense he understood the expression; that is, he was not a public plunderer; but if, on the other hand, he permitted the nation to be plundered of millions, he would repeat millions, before his face, was not he, as the great trustee of the public, much more culpable than those who actually robbed their country and shared the spoil? If there was 200,000l. given to this contractor, as much more to another; if every man almost in every public situation, connected with the

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finances and national expenditure, was permitted to plunder, was not that a blacker crime (and of infinitely more extensive mischief) in the trustee, than it was in any of the subordinate persons who availed themselves of the circumstance of a failure of duty in the principal? He would put the question fairly to the country gentlemen, and to every person of landed property in the house. Suppose that a steward of an estate of one or five thousand pounds a year, who had undertaken its management, and made himself both in law and conscience responsible to render a fair return of the profits, was to pay double for every demand which might be made on that estate; suppose he accepted of false charges, and knowingly allowed them and passed them in account; suppose that he suffered the tenants to run away with their effects before his face, and having it in his power to compel payment, let them off without paying their rent; suppose that he permitted waste to be committed, woods to be cut down, and the houses, offices, and every improvement, to go to wreck and ruin: and to make one supposition more, that he did not touch a single shilling of the spoil; what would be the condition of such a man? Would it not be much more for the advantage of his employer, that instead of 50 *per cent.* loss such a conduct might occasion, that he had been an artful, diligent rogue, who, though he might cheat or take ten *per cent.* out of the profits for his own use, would take care that no other person should rob it of a single shilling? If the simile was examined and properly compared, it would be found to be productive of much more mischievous effects, in proportion, when applied to government; for it was not only the loss of the money, but that nothing was well done or faithfully executed. A general spirit of rapine, plunder, and dissipation had gone forth, and in the scramble for the spoil, the interests of the nation were neglected, and its affairs suffered to go to ruin.

He next made an application of those facts to the subordinate offices under the board at which the noble Lord, mentioned in the motion, presided; the navy and victualling offices, &c. He did not mean to criminate or defend the noble Lord from his being a participant of the spoils so gathered. All he meant to conclude from those facts was, that the noble Lord, as well as the noble Lord in the blue ribbon, be their hands ever so clean, were more criminal than the persons who shared the plunder.

The noble Lord, whose removal was desired by the present motion, was, however, pretty notorious. He did not wish to be understood as speaking from his own knowledge. Public report

report had sometimes a great influence upon his opinions; but general and almost universal report was to him little short of proof positive. Enquire then the noble Lord's character as a statesman; look for it from professional men in the navy. Go to the India-house, to Greenwich-hospital, to the church, to the play-house, to his own neighbourhood. What would such enquiries lead to? That Jemmy Twitcher was known well at them all; that his conduct was uniform and consistent both in his pleasures, his amusements, and in transactions of business; and that, like his name-sake in Gay's celebrated opera, whenever he shall find himself hard pressed, that he will 'peach his comrades—that he will be the means of bringing the rest of the gang to justice.

He answered several things which had fallen from Lord North relative to the duties of an officer, whom his Lordship had described as little better than a mere machine, to be employed by the persons entrusted with the executive powers of the state. He contended, that no man was supposed to surrender his understanding the instant he accepted of a command. A man of such a description was not fit for a command. He must be acquainted with circumstances, otherwise he cannot be a judge of the practicability of the service.

There was a doctrine becoming very prevalent in that house, and first broached by a learned gentleman over the way [the Attorney General], that officers were not to judge of circumstances directly within the line of their profession, so it was totally out of their contemplation as professional men to form political opinions. This was a doctrine he would never endure, when carried to the length apparently contended for by that gentleman. He said, if seamen had not political opinions of their own, probably the Revolution would never have happened, nor the present family be seated on the throne of these kingdoms.

He took notice of the conduct of the officers and seamen under the command of Lord Dartmouth, in 1688, when the Prince of Orange was daily expected; that his Lordship, fearful of trusting to the officers and seamen under his command, called a council of war, when it was the opinion of the flag and other principal officers, that it would not be safe to meet the enemy, on account of the spirit of dissatisfaction which had spread itself through the whole fleet. It was accordingly determined not to endeavour to intercept the Dutch fleet; though it was plain, if the spirit had been the other way, we were considerably superior to the Dutch, and, in all probability, would have at once put an end to all the designs of

the Prince of Orange. He mentioned several other instances, such as the siege of Rochelle, the conduct of Buckingham and Captain Pennington, to prove, that men serving their country were not put into a situation wherein their duty, from certain circumstances, would be best and most effectually performed by the submitting to be the instruments employed for its destruction. Such an idea was to the last degree ridiculous and irrational. An officer, like every other subject, stood in two relations; he was bound by a regard for his own personal honour and the good of his country; when any motive of conduct directly and manifestly contradicted or forbid the performance of either duty, it was in itself nugatory and absurd; an officer's reputation and character formed his greatest treasure, and it was monstrous to suppose that any power on earth could compel him to become the parricide, instead of the defender and protector of the interests and liberties of his country.

He sat down with reminding the house, that the vote of that day would probably decide the fate of this country; earnestly exhorted them to weigh it well and look forward to the consequences; and observed, that whatever apologies they might have made to themselves, for the implicit confidence they had reposed in the present administration, that pretence no longer existed, as ministers had not only been charged, but fairly and fully convicted, of having abused that confidence, and given proofs of their total incapacity, and of the most rooted enmity and ill-will towards two of the greatest, and every way the most deserving officers, this country could at any one period ever boast of.

Honourable Captain *Walsingham* answered that part of the foregoing speech which was personally directed against the first lord of the admiralty. He said, no man who ever sat at the admiralty board had exerted himself with more zeal, or more effectually, than the noble lord who at present presides there. The honourable gentleman had represented the fleet as in a ruinous and rotten condition, and imputed the chief cause of that state to the using foreign timber. The fact was not so; and if it had, the cause assigned was not founded, for he could assure him, that the Stettin timber had answered every thing asserted of it by the noble Lord in another assembly: some part of it was prime good, some middling, and perhaps some indifferent; but he could affirm, from his own knowledge, that much the greater part of it was equal to any of native growth; and he was well authorized to affirm, from his own knowledge, that the Stettin oak, like his Lordship's

heart, was sound and incorrupt, notwithstanding all the misrepresentations that had gone forth to the contrary.

He was not ashamed to avow these sentiments in the face of the nation; they were native, and rose from conviction. He had a great esteem for the noble lord, his gratitude urged him to declare it; he was happy to find his sentiments so strongly supported by his judgment. He had no temptation to cringe or adulate any man, be his station ever so exalted; but he was bound as an officer and a gentleman to bestow praise where it was merited. He was an independent man, and was ready to put the smiles or frowns of either side of the house equally at defiance.

He then went into a detail of the action of the 27th of July, and passed the highest encomiums on the conduct and military dispositions made by the commander in chief.

He spoke warmly in behalf of Mr. Keppel, in reply to the imputed charge of his giving countenance or fomenting a spirit of dissatisfaction among the officers of the navy. He knew the contrary to be the fact; for in respect of himself and of every other officer with whom he conversed on the subject, he knew, and had learned, that the honourable admiral had particularly exerted his best endeavours, and had pressed his advice upon every officer of rank, to serve; enforcing it with the most cogent and well adapted motives, for effecting the purposes of general union and satisfaction.

He sat down with declaring his intention of giving a negative to the motion.

Lord *John Cavendish* concluded the debate, said the two noble Lords and several gentlemen who spoke on the other side, supported their opinions on a false idea, that the vote proposed involved in it a degree of punishment, and consequently demanded proofs sufficient to found a criminal prosecution upon; nothing could be farther from the intentions of his honourable friend, and those who meant to support his motion. They knew better; they knew that that House was not competent to punish, and that their power extended only to inquiry. That inquiry might lead to punishment; because the power exercised on such occasions by the House of Commons was analagous, but on a proportionably larger scale, to that vested in a grand jury.

But even in that light, the present vote did not point so far; it solely was confined to a dismission from a trust on which that house was every way competent to decide. They had given for instance their confidence and support to the pre-

sent ministers, among the rest to the noble lord at the head of the admiralty. When, therefore, the honourable gentleman spoke of proofs such as would be demanded in a court of criminal justice, or even such as would be requisite to adduce in an inquiry which might terminate in punishment, as in the case of an impeachment, the argument was unanswerable; but it was in the present case totally ill-applied; for it went no farther than withdrawing a trust that had been improperly exercised and abused. The whole of the question, to meet it fairly, amounted to thus much, and no more; and ought to be met in that, and no other manner. On which side do the proofs preponderate? Are the proofs or grounds of the motion equally cogent on both sides? All who think in that manner, he confessed, could give no vote either one way or the other. In the opinion of many, perhaps, the proofs of misconduct are not satisfactory; such will of course vote the negative of the proposition stated in the motion, and so *vicê versâ*; but it was totally unreasonable to examine the evidence on one side by the most rigid rules of law, and urge the defence as competent, though founded only in the most loose and unsupported assertions.

The house at length divided on the question, ayes 118, noes 221.

April 20.

Went into a committee on the Dissenters bill, Mr. *Montagu* took the chair; read a petition from the chancellor, masters, and scholars of the university of Oxford against the bill, unless some clause should be inserted in it, declaratory of the Christianity of those who were to be relieved by it.

Lord *North* urged the propriety of the petition, and insisted that as guardians to religion and morality, Parliament should take care that no doctrines should be allowed to be disseminated through the land subversive of Christianity, which was the basis of the constitution: the bill, without such a clause as was required, would give a legal toleration to the public preaching of doctrines no less repugnant to religion than to the safety of the state; the Turk, the heathen, the idolater, might, by virtue of the act, think themselves tolerated in propagating their tenets, and overturning the established religion. To obviate such dangers, he would lay a proposition before the committee, to which he was sure the Dissenters would subscribe, and consequently he could not foresee any opposition to it: he then moved, that in order to be relieved by the act,

act, every Dissenter should make a declaration, purporting that "I, A. B. do solemnly declare, that I am a Christian, and a Protestant Dissenter; and that I take the holy scriptures, both of the Old and New Testament, as they are generally received in Protestant countries, for the rule of my faith and practice."

Mr. *Wilkes*. I am a steady friend to religious liberty and the right of private judgment, and therefore I hope to see this bill go through the committee, unclogged by either of the tests proposed by the noble Lord in the blue ribbon, or the honourable gentleman near him. Neither of them has advanced a syllable to shew the right of the civil magistrate to interpose in matters of private opinion, to over-rule the rights of conscience, or to dictate a creed for the rest of the community. I deny that the civil magistrate has the least concern with the salvation of souls, or that any power of that nature is delegated to him. Men assemble in society only for the security of their civil rights, the preservation and possession of life, liberty, houses, goods, effects, all kinds of property. The magistrate is therefore armed with the whole force of the state to assist the weak against the violence of the strong. Here his power ends. It need not, it cannot be carried farther. My faith, whether robust or feeble, must depend on the persuasion of my own mind, or the strength or weakness of my understanding, on the conviction which reasoning may operate. A person cannot be privileged to think and examine matters of faith to be believed by another. So far only as I know, can I give a full assent. Some gentlemen near me are mistaken, when they talk in so confidential a strain of the sincerity and certainty of their faith; for no man could ever actually believe every thing in the 39 articles, because no man ever could understand the whole. In every unintelligible proposition, it is impossible to decide as to the truth or falsehood. Vain self-love makes a bigot think any opinion different from his own to be heresy, but every man is undoubtedly orthodox to himself. The power of compulsion in points of faith would lead to the enacting of error no less than of truth. Such a claim is attended with this plain absurdity, that the civil magistrate must have every where the same jurisdiction, and that the sole right of judging must be in him. I shall therefore be commanded at London to subscribe the Old and New Testament; but if I were born in the latitude of Constantinople, the Mufti might equally claim my belief of the Koran. If I were a native of Indostan, the Veidam, the Gentoo creed, and the ordinations of the Pundits, must now be ac-

knowledged of divine authority; but in the North, all the various nations of the old Scandinavia would have held out to me the inspired Edda, or system of Runic mythology. The civil magistrate can clearly have no right to prescribe error, and we see how infinitely it varies, while truth is simple as well as uniform. It cannot then depend on the magistrate to enact truth, for we find how fallible he is, that he often enacts error, and no man will assert that I ought to be compelled to embrace error. But, Sir, no other man can think and determine for me in matters of conscience. The same argument, which brings conviction to the mind of one man, often operates very feebly on another. If I am not convinced, can I fairly assent or believe? or am I to be compelled to the declaration of a falsehood? The proportion of reason which God has given every man can alone decide for him on the truth or falsehood of any proposition held out to him by another. By his own reason alone can he judge, and will he be judged.

I am at a loss to guess on what pretence, except the lust of power, in some countries the civil magistrate has usurped the claim of decreeing articles of faith for the rest of the community. If I am a good subject of the state, loyal to the prince, and zealous for the welfare of my country, is not the great end of my associating in civil societies fully answered? I have stipulated for protection to my person and property from the laws, and the return is obedience. I am to defend the state, which defends me; but has this the least connection with my believing the religion of another man; with any mode of faith? In all cases where the public weal is not interested, I preserve my natural liberty Four or five French wits some years ago sacrificed a goat to Bacchus. They had a right to make a burnt-offering of their own goat to whom they pleased, to eat any part of it themselves, and consume the rest, according to their private caprice. But if a man should attempt to sacrifice his son to Molock, the civil magistrate ought to interpose, and punish not the sacrifice, but the foul murder. The distinction is clear and founded in reason. The one is a foolish, but harmless act, not attended by injury to any person. The other is a horrid breach of the necessary police of every state, a violation of a most important law. The great Locke puts a similar case; "if any people congregated upon account of religion, should be desirous to sacrifice a calf, I deny that they ought to be prohibited by a law. Melibœus, whose calf it is, may lawfully *kill his calf* at home, and burn any part of it he thinks fit.

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For no injury is done to any one, no prejudice to another man's goods. And for the same reason he may kill his calf also in a religious manner. But if the interest of the commonwealth required all slaughter of beasts should be forborne for some time, in order to the encreasing of the stock of cattle, that had been destroyed by some extraordinary murrain, who sees not that the magistrate, in such a case, may forbid all his subjects to kill any calves, for any use whatsoever?"

Such, Sir, are the sound principles of toleration; and yet Locke was so alarmed by the bigotry and rancorous opposition of the Oxford tories, then too in high credit, that he did not venture to speak out, and to argue with all the powers of his understanding. He said he would tolerate the idolater, not the atheist. I cannot assign any cause of difference, supposing each to be equally a peaceable subject. Was David Hume, the professed atheist, one of the most humane of our species, an irreproachable denizen, not to be allowed to reside quietly in his own house? Could such a proscription come from a Locke? Can a man forfeit all his franchises for a mistaken point of speculation? As to the atheist being admitted into places of trust or profit, that is a farther consideration. Locke argues, "that promises, covenants, and oaths, which are the bonds of human society, can have no hold upon an atheist." I admit the observation as to oaths, most shockingly multiplied among us on every occasion. Perhaps penalties of a heavy nature might be as effectual with mankind in general. The reasoning does not hold good as to promises and covenants. This is the doctrine of mere violence. I would not, Sir, persecute even the atheist. I think he has a right to toleration, and, for my own part, I pity him, for he wants the consolation which I enjoy.

I would support the sublime dome of St. Paul's, but I would not destroy a beautiful Pantheon. I wish to see rising in the neighbourhood of a Christian cathedral, near its Gothic towers, the minaret of the Turkish mosque, the Chinese pagoda, and the Jewish synagogue; with a temple of the Sun, if any Persians could be found to inhabit this island, and worship in this gloomy climate the god of their idolatry. The sole business of the magistrate is to take care that they did not persecute one another, for "priests of all religions are the same," not individually, but generally, fond of power, ambitious, grasping at wealth, honours, preferment, luxurious, indolent, intolerant. Even the toleration act appears to me incomplete, and in a degree to breathe the spirit of persecution. I agree that it has great need of amendment. There is an

absurd intolerance remaining even in that act, as if nothing human could be perfect, as astronomers remark spots in the sun. One of the clauses enacts, that it shall not extend to give any ease, benefit, or advantage, to any person that shall deny, in his preaching or writing, the doctrine of the blessed Trinity, as it is declared in the aforesaid articles, that is the thirty-nine articles. Now, Sir, many learned and pious men have been of opinion, that the Athanasian doctrine of the Trinity, enjoined to be believed by the thirty-nine articles, is direct Polytheism. It is certainly a speculative opinion, uninteresting to the welfare of the community, and therefore I ought to be left at liberty to reject or adopt it, according to the strength or weakness of my private judgment. Notwithstanding the present forbearance of the church, which we are now reminded of, we know from such examples as Whiston, Clarke, and Hoadley, that even in this century good and exemplary men have suffered persecution on account of this very doctrine, and various pretended heresy, and been preserved merely by the interposition of the humane rulers of the state.

According to the present system of laws, there is not only a real persecution of the Protestant dissenting ministers, but a direct invasion of the natural rights of the laity, of every man who has the happiness of a father's name in this country. I suppose, Sir, it will be readily admitted, that the good education of children is the most important duty of every parent. I will then suppose, as I am told is actually the case of a noble Lord distinguished for his great political knowledge, and refined taste in the polite arts, that a father is of opinion a certain dissenting clergyman will educate his son better than any other person. It becomes then the duty of the father, under such a persuasion, to commit the education of his son to that tutor. Is he then to subject the dissenting clergyman to the most ridiculous restraints, "not to come within five miles of a city, town corporate, or borough, unless only in passing upon the road, or unless required by legal process;" to "imprisonment, without bail or mainprize," or to "heavy pecuniary penalties;" or is he to violate the strongest injunctions of nature? I will venture, Sir, to affirm, that there are not in Europe men of more liberal ideas, more general knowledge, more cultivated understandings, and in all respects men better calculated to form the rising generation, to give the state wise and virtuous citizens, than the Doctors Price, Priestley, and Kippis. Yet the rod of persecution hangs over them by a single thread, if they do not subscribe *thirty-five* articles and a half of our church. A mercenary informer,

former, or a blind zealot, may bring under the lash of the law men who do honour to the age in which we live, and the most abandoned of our species have it now in their power to persecute virtue and genius, when exerted for the benefit of mankind.

The noble Lord in the blue ribbon, and the honourable gentleman near him, with the most perfect inconsistency, are for abolishing one religious test, and substituting between them two others, for each purposes a different test to be added to this bill. I am against the old test; and when we have got rid of that, my voice will never be for fresh shackles on tender consciences. I maintain the doctrine of the magistrate not having a right to interfere, except to preserve the peace and order of society, to protect our civil rights. Are the thirty-nine articles connected as to doctrinal points with the civil duties or rights of the subject? Certainly not. Whence then can arise the right of compulsion to the subscription of them? They are even hostile to civil liberty, and therefore unfit to be imposed on the subjects of a free state. The article which enjoins the homilies to be received as a godly and wholesome doctrine will be considered as a libel on this free constitution by every man who has read the homily against rebellion. That homily declares, that for conscience sake, we must submit to a "Caligula, a Claudius, or a Nero, foolish rulers, or most cruel tyrants." Then was the Revolution unjust. Is a free-born Englishman to be called upon to subscribe a doctrine, which no man in Turkey believes or acts upon; absurdities will in vain be preached and enjoyed. In every extreme case we find Nature resumes her rights, and justice triumphs, in one country by the bow-string, in another by the axe. All points of speculative doctrine ought to be equal to the civil magistrate. Will it be asserted that a person, who believes only in the divine unity, and whose religious worship is restricted to the one sole self-existent Creator, may not be as faithful a subject, as another who believes the Athanasian doctrine of the Trinity, and pays divine honours to inferior, to derived beings? They both may contribute equally to the enormous taxes which the noble Lord is year after year enforcing for this iniquitous and accursed American war. So far both ought to be held in the same estimation by our political rulers. Is a person to be deemed factious for not believing the subjection of every individual of the human race to everlasting damnation for a crime to which he was not consenting, committed before his existence? May I not hold the universality and impartiality of the divine goodness, if I live peaceably, and obey the laws of my country? Surely,

Surely, Sir, a good subject may doubt "that every man is of his own nature inclined to evil," and that "every person born into this world deserveth God's wrath and damnation." I may be zealous for the Protestant succession, in the House of Hanover, and yet not believe that the last sweet prince of that illustrious line, the very young Octavius, has in so few days abode among us already deserved God's wrath and damnation. Upon my word, Sir, the doctrine of some, who call themselves orthodox, and deal out damnation so liberally, makes an humane man tremble. Let us no longer think of imposing these or any other articles of faith. Experience tells us, that terrors and rewards may create temporary proselytes and hypocrites, but reason only can make a sincere convert. It is high time to proclaim religious liberty in its full extent to a people who have long abjured the spiritual tyranny of Rome.

The honourable gentleman near the noble Lord says, that he "is for the Declaration against Popery, because it is a civil test, and as such it forms a clause of the bill on our table." There is not, Sir, in that Declaration, a single syllable respecting the civil rights of mankind. Tenets of religion only are laid down in that Declaration. The words of it are, "I do believe that in the sacrament of the Lord's Supper there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof by any person whatsoever; and that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass, as they are now used in the church of Rome, are superstitious and idolatrous." These, Sir, are merely controverted points of speculation, with which the magistrate is not concerned, except as a private Christian. They cannot affect the public peace or safety of the state. A Roman Catholic may believe these, purgatory, auricular confession, extreme unction, and other doctrinal points, yet if he will take what is really a civil test, the oath prescribed by the act of last year, that "he denies the Pope, or any other foreign prince having any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within the realm, and that he will be faithful and bear true allegiance," which the most respectable Roman Catholics have done, he then has a claim to the same civil immunities and privileges with all other subjects. I wish not to offend, but I declare that I am sorry the Roman Catholic has not the enjoyment of every franchise which is claimed by his fellow *subjects*, on the same terms of allegiance, and giving the same *security* to the state. Gentlemen seem surprized, but it appears

appears to me, by that oath the Roman Catholic directly abjures the *imperium in imperio*, gives security for the public peace, and allows the magistrate all the power which the great purposes of society confer upon him. I plead his cause, because I think it that of religious liberty, and the rights of private conscience, no less than the cause of all Protestant Dissenters. I believe that I may do it without suspicion; for no man, who ever continued so long at Rome and in Italy, was ever less suspected of being tainted with the errors of Popery. Religion should teach us the most refined humanity, and all her ways should be peace. The bigot is seldom the virtuous, the meek, the amiable, or the learned character.

The noble Lord in the blue ribbon proposes another test, an oath of being a Christian, a Protestant, and believing the holy scriptures, as severally received amongst Protestants, to be the word of God. The same objection lies to the compulsion of this, as of any other creed, because it is acknowledging the usurped power of the magistrate. Is human authority to give the sanction to a revelation from God, to books of divine inspiration? Are all Protestant churches agreed as to the canon of holy scripture, as to the purity of the sacred text? In the Old Testament are the Songs of Solomon universally adopted as inspired writings by all Protestants? The exquisite poetry of them will always be admired, but some sober Christians have doubted whether the spirit of godliness and true devotion was to be found in many of the luxurious descriptions in the eastern stile. It has been objected, that they rather suggested too sensual ideas, and that the colouring was too warm. In the New Testament, the epistle of St. Jude has been doubted of as part of the inspired writings, from the account of Michael the archangel contending with the Devil about the body of Moses. Are our own divines universally agreed about the authenticity of all the books received as holy writ? Have no doubts been entertained by them even of the gospel of St. Matthew, as we have it in the Greek? We find then, that this proposition of the noble Lord is by no means like his propositions for taxes, clear and precise, to subscribe the holy scriptures as received by Protestants, for it is not settled which are the canonical books. If all Protestants were agreed as to the authenticity of the volumes, yet another difficulty would occur. Is the text in so pure a state that I am certain it was dictated by the wisest and best of beings, that it is truly the word of God? We all know of the thirty thousand various readings in the

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New Testament, some of them confessedly important; and most of the bishops have encouraged a learned divine of our church, Dr. Kennicott, to examine the various manuscripts of the Old Testament, to restore the genuine reading of the Hebrew text. It is not therefore perfect, and consequently ought not to be imposed as the faultless work of the author of every good and perfect gift. The indefatigable Doctor has already discovered many thousand various readings in the Hebrew, and it will be lucky if he does not double the number of the Greek. Our classical diocesan candidly confesses the various imperfections, the corruptions, perhaps wilful mistakes of copyists, additions and interpolations of the Hebrew text, in his excellent lectures *De sacra Poesi Hebræorum*, and in the judicious Dissertation on Isaiah; nor does he confine himself to that sublime prophet. The same remarks are made on a great variety of passages in almost all the books of the Old Testament. We ought not then to be called upon to subscribe every error of a copyist, every interpolation of an ignorant writer, as the immediate inspiration of the Holy Ghost.

The idea of imposing this test, Sir, the noble Lord, probably as a complaisant Chancellor, has adopted from the petition of the university of Oxford. Their conduct has been uniform, to abridge, on every occasion, as far as they could, both religious and civil liberty. The noble Lord is deservedly at their head. The sister University has more liberal and enlarged sentiments. Cambridge refused to petition against a clear right of their brethren; but Oxford perseveres in the fatal maxims of arbitrary power in church and state. The Oxford decree of 1683 still remains unrepealed. It is entered *in perpetuam rei memoriam* in the registry of the convocation, and publicly affixed in the halls, libraries, and refectories. It not only condemns every principle which can justify the glorious Revolution, but even self-preservation, as a fundamental law of Nature, is declared to be a proposition false, seditious, and impious. In 1685, the university of Oxford acknowledged, in a solemn recognition, James II. to be Sovereign, without any restrictions or limitations. No wonder, Sir, that from this poisoned source have flowed the most polluted streams. Unconditional submission from our American brethren is naturally exacted, by men who have been taught that a king of England is not a limited monarch, but a sovereign without any restrictions or limitations. It is lucky for England that all our generals and admirals were unable to enforce it in the new world. The Oxford petition on our table expressly complains, "that the bill does not provide that ministers

ministers and schoolmasters shall make any profession whatever of their belief in the fundamental doctrines of Christianity, or even the authority of the holy scriptures, and prays that the bill may not be permitted to pass into a law, in the unlimited form it was proposed." What the fundamental doctrines of Christianity are, and what is the canon of the holy scriptures, the university left to her Chancellor and his majority in this house to determine. The act of last year, in favour of the Roman Catholics, extended to "Papists, or persons professing the Popish religion, and keeping school, or taking upon themselves the education or government, or boarding of youth;" and yet Oxford did not petition, although there was no religious test, no subscription to the holy scriptures imposed by that act. The present act is, "for further relief of Protestant dissenting ministers and schoolmasters," and a test is insisted upon for our Protestant brethren. Whence this marked partiality and tenderness to the Roman Catholics? this ungenerous treatment of Protestants? are the Roman Catholics thought so generally Tories, and the Dissenters Whigs, that a political friendship at Oxford is formed with the first, and an ill-dissembled rancour seems to prevail against our Protestant brethren?

A bill similar to this passed the Irish Parliament in 1719, a critical period, in which religious toleration was not so well understood as at present. The peace of our neighbouring kingdom was not endangered by that relief given to a worthy body of men, nor, in a course of sixty years, has the least inconvenience been suggested for an attempt at its repeal. Here then is a forcible argument from fact, that all the imaginary mischiefs suggested by gentlemen against the church of England, as being again in danger from the bill, deserve no attention. This bill can effect neither the existence nor the prosperity of the church. It leaves all archbishoprics, bishoprics, fat deaneries, and golden prebends, to their lucky possessors. It only secures the Dissenters from persecution. They do not ask for the fabric of a single silver shrine to Diana. They acquiesce under the state patent granted to others.

Sir, I contend for the most general and unlimited toleration, and I wish the bill more extended, to take in all sects and all religions. An universal toleration might, in a good degree, answer the important purposes of a general naturalization. It might recruit this unpeopled and impoverished empire. After the infinite drains of this American war, the prodigious waste of blood and treasure, and we are still bleeding at every vein, it might call, under the mild protection of

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our laws, numberless inhabitants from every part of the world. It might pour fresh vigour into a weak and feeble nation, nearly exhausted, and almost sinking under a variety of oppressions. The wisest prince in Europe has found this theory confirmed, by a long and happy experience. The King of Prussia has said, *le faux zele est un tyran qui dépeuple les provinces. La tolérance est une tendre mere qui les rend florissantes.* Holland owes its rank among the first states of Europe, to one single circumstance, civil and religious liberty flourishing so greatly in the United Provinces. By this she has risen to an amazing height of power, in the worst climate, and under every natural disadvantage. In a commercial light let us be instructed by the wary Hollander, that the direct road to population and wealth is entire security and freedom of private judgment to every peaceable inhabitant. I have observed in some parts of Europe, that divine service, to the same deity, is performed in the same church, by the Roman Catholics in the morning, and the Protestants in the evening, and that they live together in perfect harmony. Surely then, Sir, Protestants of all denominations might be on an equal terms of good-will and charity to each other. Peace on earth, and good-will towards men, are the best political maxims for society; and if we go farther, we are told that the tares should be suffered to grow with the wheat till the harvest.

The progress of knowledge, in almost every nation, has softened the rigour of their laws respecting religious worship, or at least has, in a degree, suspended their execution, Scotland alone excepted. Some have adopted a general principle of toleration. France has a Protestant at the head of her finances. The last Diet of Sweden, by the unanimous consent of all the orders, granted a full toleration. Even the clergy preached it as sound doctrine, no less of the church than of the state. I hope a spirit of wisdom will govern this house, and make us embrace the present auspicious moment of convincing all foreign nations, that this island will be the asylum of persecuted religion and virtue. Among our greatest glories let it be recorded, that every foreigner, as well as native here, in full security, enjoys all the natural rights of mankind, and the inestimable privileges of civil and religious liberty, unclogged by penal tests. This bill, supposing it to pass without the tests, is laying a solid foundation, on which a fair superstructure may be raised, and, therefore, I give it my hearty support.

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The committee divided on the declaration, for it 88—against it 58.

April 21. No debate.

April 29.

The house went into a committee on the American war, Frederick Montague, Esq. in the chair.

Sir William Howe. If the peculiarities of my situation be considered, I shall not be thought presumptuous in desiring the indulgence of the committee, during the trespass I must this day commit upon their patience. The repugnance of his Majesty's ministers (in this house at least) to declare any opinion concerning the transactions of the American war, during my command, although possessed of all the necessary, and only, documents, upon which a judgment could have been formed, impelled me to move, that my correspondence with the Secretary of State for the American department might be laid before you. The most material parts of my conduct, the reasons upon which I acted, the plans which I suggested and executed, appear in that correspondence; and, therefore, to those who may have connected the whole in a regular series of dates and events, the detail into which I propose to enter may seem unnecessary. But I cannot flatter myself that the papers have been considered with such minute attention, nor can I presume to suppose that all the circumstances of the American war have been investigated with the partial view of clearing the conduct of the man who commanded the army. And, Sir, it is with that the partial view I now rise—for I mean not to call in question the justice nor the policy of that war; I mean not to call in question the expediency of measures which have been framed, relaxed, or persevered in, by the councils at home. My object, at present, is confined to the explanation of my own conduct.

Many are the censures that have been passed upon me.—The misrepresentations and false arguments of my enemies, have made a deep impression upon minds too prompt to decide; whilst an ignorance of the true state of facts has left the unprejudiced in doubt. Those who alone could do me justice have been silent; and, therefore, to the judgment of this

this committee, and to the impartiality of my country at large, I at last resorted, flattering myself with the hope of an ample justification.

In the course of the great variety of business which fell to my lot, during such a wide and extensive command, faults must, undoubtedly, be perceived, but none, I hope, which can be suspected to have arisen from want of zeal, or from inactivity. In all military transactions, but more particularly in those of America, where the nature of the war, in all its points, is without example, the happiest commander will he be who escapes with the fewest blots.

The facts to which I principally wish to turn the attention of the committee, and which the papers upon your table bear witness to, are

1st. That I did not neglect to furnish the minister of the American department with every information, as well as with my ideas, relative to the conduct of the war, from time to time.

2d. That I did not fail to give my opinions respecting what appeared practicable to be done, with the succours required, or expected from Europe, and with the force at different times on the spot.

3d. That my plans were carried into execution with as little deviation as, from the nature of military operations, could have been expected.

4th. That I never flattered the minister with improper hopes of seeing the war terminated, in any one campaign, with the force at any one time under my command.

I shall now beg leave to trouble the committee with a narrative of those material operations of the war, which may lead to an impartial judgment upon my general conduct; which may obviate misconceived opinions concerning particular events, and which, with some few remarks upon the several passages of the correspondence as they arise, may elucidate the truth of the facts premised.

The evacuation of Boston was the first material occurrence, after my appointment to the command of his Majesty's forces in North America.

On the 9th of November, 1775 I received the Secretary of State's order, dated the 5th of September, to abandon that town before winter, and to move the army to New York, or to some other place to the southward; my own reasons, indeed, against opening the campaign from Boston, had

had been in the mean time generally set forth in a letter to his Lordship, of the 9th of October. The late arrival of the order, and the deficiency of transport tonnage, rendered the removal of the troops impracticable, till the 17th of March following, when I embarked with about 6000 rank and file, fit for duty, and about 900 sick.

It has not been insinuated that any disgrace was brought upon his Majesty's arms, by the manner in which that town was evacuated*.

My letter, of the 21st of March 1776, accounts for my carrying the army, with the incumbrances then belonging to it, to Halifax, in preference to any other port. Concluding that the reasons there given are satisfactory, I do not trouble the committee with any farther explanation, except that I think the army, by going thither, received great benefit, not only from necessary refreshments, but from the opportunity of being exercised in line, a very material part of discipline, in which we were defective until that time. I might also add, that the troops performed very essential service at Halifax, by constructing redoubts, and other strong works, for the defence of the town and dock, which could not have been executed by the garrison.

My letters go on to shew how the army was disposed of, previous to the landing upon Long Island, while waiting for the arrival of the troops from Europe, and from the expedition against South Carolina. That intermediate time, as I do not recollect, amongst the multiplicity of anonymous publications against me, any fault has been imputed, I pass over; remarking only, that from the violent heat of the

* In the examination of General Robertson, (one of the witnesses called by Lord George Germaine) an attempt was made to prove, that considerable quantities of linen and woollen merchandizes, which might be of great use to the rebels, were left at Boston, upon the evacuation of that town, although it was in my power to have carried the whole away. But though the General was of opinion that those goods might have been removed with the army, it was merely in the idea, conceived from report, that they might have been carried away, if the holds of the transports had been well stowed; for he acknowledged that we were in great want of shipping, and that we took with us all the vessels that were fit to go to sea.

weather, little active service could have been done, and that such service would probably have been attended with much sickness to the troops.

I beg leave here to say, that although, to save the time of the committee, I may omit to mention many transactions of the war, I shall be willing to solve all doubts which the members of this committee may entertain, with respect to circumstances not touched upon, or not sufficiently explained.

I hasten to the action at Bedford, on Long Island, the 27th of August 1776, where a paragraph, in my public letter of the 3d of September, has been quoted against me as a violent charge. The paragraph is as follows: "Had the troops been permitted to go on, it is my opinion they would have carried the redoubts; but as it was apparent the lines must have been ours at a cheap rate, by regular approaches, I would not risk the loss that might have been sustained in the assault, and ordered them back to a hollow way in the front of the works, out of the reach of musquetry."

This paragraph, I am free to own, I added, to give here the same impression that I felt of the ardour of the troops upon that occasion. But I am at a loss to know from whence it has been supposed, that carrying the lines would have been followed by the defeat of the rebel army. The facts are these; The rebels had a body of men posted in front of the lines, to guard against an attack from Flat Bush, and from the lower road upon their right. Those troops were defeated with considerable loss. The remainder of the corps was posted behind the lines, the main army being then on York Island; so that, admitting the works to have been forced on the day of action, the only advantage we should have gained would have been the destruction of a few more men; for the retreat of the greatest part would have been secured by the works constructed upon the heights of Brooklyn, opposite to New York, and their embarkation covered by a number of floating batteries.

On the other hand, the most essential duty I had to observe was, not wantonly to commit his Majesty's troops, where the object was inadequate. I knew well that any considerable loss sustained by the army could not speedily, nor easily, be repaired. I also knew that one great point towards gaining the confidence of the army (and a General without

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it is upon the most dangerous ground), is never to expose the troops, where, as I said before, the object is inadequate. In this instance, from the certainty of being in possession of the lines in a very few days, by breaking ground, to have permitted the attack in question would have been inconsiderate, and even criminal. The loss of 1000, or perhaps 1500 British troops, in carrying those lines, would have been but ill repaid by double that number of the enemy, could it have been supposed they would have suffered in that proportion.

The necessary preparations, and erecting batteries, to facilitate the landing upon the island of New-York, and battering the enemy's works at Horen's-Hook, occupied us till the 15th of September, when the possession of New-York was affected, as appears by my letter of the 21st of September 1776.

From that time to the 12th of October we were employed in fortifying the heights from Macgowan's-Pass to the North River, about two miles from the enemy's most advanced intrenchments, and in getting possession of Paulus-Hook. Some time was also necessarily employed in inquiries respecting the face of the country to be possessed, upon a supposition that the enemy should remove from King's-Bridge. There was a necessity of intrenching upon the height I have mentioned, in order to cover New-York in the absence of the main army. My public letters of the 23d, 24th, and 25th of September point out all these particulars.

With regard to the knowledge of the country, so necessary to be obtained previous to the movement from New-York, I beg leave to mention the difficulties we laboured under in that respect throughout the war. The country is so covered with wood, swamps, and creeks, that it is not open in the least degree to be known, but from post to post, or from accounts to be collected from the inhabitants, entirely ignorant of military description. These circumstances were, therefore, the cause of some unavoidable delay in our movements.

I must here add, that I found the Americans not so well disposed to join us, and to serve, as I had been taught to expect; that I thought our farther progress for the present precarious, and that I saw no prospect of finishing

the war that campaign. These sentiments I communicated to the Secretary of State in the letters last mentioned.

From the 12th of October, the day the army landed on Frog's-Neck, to the 21st of the same month, we were employed in getting up stores and provisions, in bringing over the dragoons, the second division of Hessians, the carriages and horses for transporting provisions, artillery, ammunition, and baggage. Four or five days had been unavoidably taken up in landing at Frog's-Neck, instead of going at once to Pell's-Point, which would have been an imprudent measure, as it could not have been executed without much unnecessary risk.

On the 28th of October the engagement at the White-Plains took place. But it has been asserted, that, by my not attacking the lines on the day of action, I lost an opportunity of destroying the rebel army; and it has been also said, that I might have cut off the enemy's retreat by the Croton-Bridge. Sir, an assault upon the enemy's right, which was opposed to the Hessian troops, was intended. The committee must give me credit when I assure them, that I have political reasons, and no other, for declining to explain why that assault was not made. Upon a minute inquiry those reasons might, if necessary, be brought out in evidence at the bar. If, however, the assault had been made, and the lines carried, the enemy would have got off without much loss, and no way had we, that I could ever learn, of cutting off their retreat by the Croton-Bridge. I cannot conceive the foundation of such an idea. By forcing the lines we should undoubtedly have gained a more brilliant advantage, some baggage, and some provisions; but we had no reason to suppose that the rebel army could have been destroyed. The ground in their rear was such as they could wish, for securing their retreat, which indeed seemed to be their principal object. And, Sir, I do not hesitate to confess, that if I could by any manœuvre remove an enemy from a very advantageous position, without hazarding the consequences of an attack, where the point to be carried was not adequate to the loss of men to be expected from the enterprize, I should certainly adopt that cautionary conduct, in the hopes of meeting my adversary upon more equal terms.

But to proceed in my narrative. My public letter of the 30th

30th of November relates the further proceedings of the army, until Lord Cornwallis arrived at Brunswick in the Jerseys, in which is included the taking of Fort-Washington, afterwards called Fort Knyphausen. I need not trouble the committee with other particulars in that period: but I must say I should have been highly blameable, had I ordered the noble Lord to have followed the enemy beyond Brunswick, when the whole of his corps had not joined him.

I refer to my public letter of the 20th of December, for an account of the progress of that corps until the 14th of that month, when they went into cantonments, which I was hopeful they might have maintained. My first intentions were to have made Brunswick the left, and Elizabeth-Town, or Newark, the right of those cantonments; and my reason for extending to Trenton was, that a considerable number of the inhabitants came in with their arms, in obedience to the proclamation of the commissioners on the 30th of November. I took upon me to risk that post under the command of a brave officer, with the support of Colonel Donop at Bordentown, five miles distant, with a very strong corps. The two posts were occupied by nine battalions, the Hessian cavalry, and a party of the 16th regiment of light dragoons, amounting in the whole to upwards of 3000 men, with sixteen field pieces. The light infantry of the army, a brigade of infantry, and some dragoons, were posted at Prince-town, in the chain of cantonments, twelve miles from Trenton.

But it has been objected to me, that I ought not to have intrusted the important post of Trenton to the Hessian troops. My answer to this, if clearly understood, will, I think, be satisfactory. Military men will certainly understand it. The left, Sir, was the post of the Hessians in the line, and had I changed it upon this occasion it must have been considered as a disgrace, since the same situation held in the cantonments as in the camp; and it probably would have created jealousies between the Hessian and British troops, which it was my duty carefully to prevent.

Colonel Donop, who commanded the two posts, was perfectly satisfied with his situation, and so was Colonel Rhall. They both had timely information of the intended attack: the numbers of the enemy, I was credibly informed, did not exceed 3000; and if Colonel Rhall had obeyed the orders I sent to him for the erecting of redoubts, I am confident his post would not have been taken.

I would ask those who object to this part of the distribution, where could the Hessian troops have been better employed than in the defence of a post? In the last war they were esteemed not unequal to any troops in Prince Ferdinand's army, and I should do them much injustice were I not to say they were in very high order in America. Two of these very battalions had served in Germany with great credit, and the whole brigade under Colonel Rhall's command had given a recent proof of their bravery at the attack of Fort-Knyphausen.

The possession of Trenton was extremely desirable; could we have preserved it we should have covered the greatest part of the country to the eastward of Prince-town, including the whole county of Monmouth, where I had reason to think there were many loyal inhabitants. We should also have been so near Philadelphia that we might possibly have taken possession of it in the course of the winter; though I confess I had several reasons for doubting the expediency of that measure at that time.

My principal object in so great an extension of the cantonments, was to afford protection to the inhabitants, that they might experience the difference between his Majesty's government, and that to which they were subject from the rebel leaders. For, Sir, although some persons condemn me for having endeavoured to conciliate his Majesty's rebellious subjects, by taking every means to prevent the destruction of the country, instead of irritating them by a contrary mode of proceeding, yet am I, from many reasons, satisfied in my own mind that I acted in that particular for the benefit of the King's service. Ministers themselves, I am persuaded, did at one time entertain a similar doctrine, and from a circumstance not now necessary to dwell upon: it is certain that I should have had little reason to hope for support from them, if I had been disposed to acts of great severity. Had it been afterwards judged good policy to turn the plan of the war into an indiscriminate devastation of that country, and had I been thought the proper instrument for executing such a plan, ministers, I presume, would have openly stood forth, and sent clear, explicit orders. Ambiguous messages, hints, whispers across the Atlantic, to be avowed or disavowed at pleasure, would have been paltry safeguards for the honour and conduct of a commander in chief.

I now

I now return to my narrative. Previous to the loss of Trenton I had detached General Clinton with 6000 men to take possession of Rhode-Island, the success of which expedition is mentioned in my public letter of the 20th of December 1776. This was one material point in the general plan of operations. And here I must beg leave to call the attention of the committee to my separate letter of the 30th of November 1776, wherein is set forth my first plan for the next campaign, with the force requisite, in order, if possible, to finish the war in one year. My propositions were, that we should have 10,000 men to act on the side of Rhode-island, and penetrate eastward into the country towards Boston, leaving 2000 for the defence of Rhode-Island, 10,000 in the province of New-York, to move up the North River to Albany, 5000 for the defence of York-Island and its dependencies, 8000 to cover Jersey, and to keep General Washington's army in check, by giving a jealousy to Philadelphia, which, as well as Virginia, I proposed to attack in autumn, provided the success of other operations should have admitted of sending thither an adequate force. South Carolina and Georgia I proposed as objects for winter. But to carry this plan into execution I informed his Lordship, that ten ships of the line, and a reinforcement of 15,000 rank and file, would be absolutely necessary, besides an additional battalion of artillery. According to this calculation, the army under my command would probably have consisted of 35,000 effective men, to oppose 50,000 voted by the Congress for the next campaign, exclusive of the large bodies of militia, who were to be collected on the shortest notice. I mentioned at the same time the spirit infused into the people by their leaders, from the strongest assurances of procuring the assistance of foreign powers, and that it was said Doctor Franklin was gone to France to solicit the aid of that court.

This letter of the 30th of November was received by the Secretary of State on the 30th of December. On the 9th of March 1777, I received his Lordship's answer, dated the 14th of January. This answer, it is to be observed, was by no means decisive. The determination upon my plan was postponed until the arrival of my next letter, when Major Balfour (one of my aids de camp, and then in England) was to be immediately dispatched. My requisition, as has been just stated, was for 15,000 rank and file, in order to complete the army to 35,000 effective men. The noble Lord, in the let-

ter I am now quoting, hopes that he shall be able to augment the army under my command to near 35,000, although he proposes sending me only 7800. This misconceived calculation can no otherwise be accounted for, as I apprehend, than by his Lordship's computing the sick, and the prisoners with the rebels, as a part of the real effective strength of the army; and yet I cannot see how such a mistake could have arisen, as my requisition was specific, for 15,000 men, rank and file. His Lordship further declares, that it is beyond his power to furnish me with the additional battalion of artillery. If any thing could be an alleviation of my disappointment in these respects, it was the assurance which accompanied it, that —"whatever degree of support the rebels had been taught to expect from foreign powers, his Lordship had great reason to believe that Doctor Franklin would not be able to procure them any open assistance."

During the doubts I entertained, whether the large reinforcement I had requested would arrive in time for the execution of the extensive plan mentioned in my letter of the 30th of November 1776, I had information, which I thought might be depended on, that the reduction of Pennsylvania was practicable, even upon the supposition that the whole of my strength, fit for duty at the opening of the campaign, might not exceed 19,000 men. I therefore suggested, in my separate letter of the 20th of December 1778, a second plan, which was for acting next campaign in Pennsylvania, and which, when I was told I must expect a reinforcement of only 7800 men, little more than half my requisition, I concluded was to be adopted.

I remarked, that by this plan the march towards Boston, which I had before proposed, must be deferred until the required reinforcements should arrive from Europe; but as these operations, perhaps of the last importance to the nation, might depend upon the exigencies of the moment, I solicited his Lordship to point out any general plans that might be thought most adviseable, as well with respect to the present strength of the army, as in the event of reinforcements, remarking to me the periods of time in which I might expect the arrival of troops. This letter having been received in England on the 23d of February 1777, which was long before General Burgoyne's departure, the minister had full opportunity of communicating the contents to that General; and of making such changes as he might judge expedient to coincide with the northern operations.

Presuming

Presuming that it was my duty to omit no opportunity of communicating, though it might be deemed repeating, my ideas to the Secretary of State, my private letter of the 20th of January 1777 was also full and explicit. I there assure him, that there must be another campaign, for I found that upon the good news from Quebec, in 1776, he had hoped that a prospect was open for ending the war in one campaign. I pressed for more troops—I told him that a reinforcement of 23,000 men was requisite, but that 15,000 would give us a superiority, pointing out Philadelphia, for the reasons before mentioned, as the principal object; I observed, that an augmentation of 20,000 men would admit of my detaching a corps thither by sea, whilst the main body might penetrate by the way of Jersey. On the other hand I observed, that if the reinforcements were small, the operations would be of course curtailed. This letter also arrived in England prior to General Burgoyne's departure. Both letters are answered the 3d of March 1777, and brought by Major Balfour, who arrived at New-York on the 8th of May.

I had now the Secretary of State's entire approbation of my second plan, the expedition to Pennsylvania; my reasons for deviating from my former plan being, as his Lordship is pleased to express himself, solid and decisive. He laments, however, that instead of augmenting the army to 35,000, which I had requested, and which I had some reason to hope for, instead of even reinforcing me with 7800, he could only allow me to expect 2900, that is to say, not a fifth part of the number I had required. It is to be observed, that his Lordship at the same time, notwithstanding so great a reduction of the reinforcements requisite for the operations determined upon and approved of, recommends a warm diversion to be made on the coasts of Massachusetts-Bay and New Hampshire, as far as the main plan will permit. The Admiral and I, however, agreeably to his Lordship's commands, consulted upon the expediency of the diversion, and in my letter of the 3d of June 1777, I informed the Secretary of State, that we found it not to be practicable, without interfering materially with those more important operations of the campaign which had been approved of by himself, and which were already too much curtailed from a want of a land force.——The army fit for actual duty at this time, exclusive of about 2000 Provincials, was 14,000 short of the number I had expected.

But

But to resume the chain of my correspondence. Finding by the Secretary of State's letter of the 14th of Jan. 1777, received on the 9th of March following, that the reinforcements were not to be expected, I totally relinquished, in my secret letter of the 2d of April, the idea of any offensive operation, except that to the southward, and a diversion occasionally upon Hudson's-River. I informed the Secretary of State that the principal part of the plan formerly proposed could no longer be thought of; that the Jerseys must be abandoned, and Pennsylvania be invaded only by sea; that in the former campaign my force was equal to the operations, but that in the ensuing one, from the several posts necessary to be preserved, the offensive army would be too weak for rapid success; and that restricted as I was from entering upon more extensive operations by the want of force, my hopes of terminating the war that year were vanished; that notwithstanding the whole rebel army, 50,000 men, voted in autumn, might not be raised, the enemy would have a numerous militia in the field, in addition to their standing force, and a good train of artillery. I at the same time transmitted my distribution of the army for the campaign, by which it is to be observed, that my real effective force, exclusive of 3000 Provincials, amounted only to 18,000 *.

The noble Lord's answer to this letter, dated the 18th of May 1777, contains a repeated approbation of the expedition to Pennsylvania; but it is remarkable in other respects. ——He states his inability to furnish me with the supplies requested, and is concerned to find that I do not imagine my force to be as suitable to the operations of the ensuing campaign, as I had confessed it was to those of the last. These expressions, Sir, require observation—They seem eager to catch me in the confession, that my force was suitable to the operations of the last campaign, and would from thence imply, that my force was equally suitable to the operations of any other campaign. Now, Sir, even if I had not explained my idea upon that point (which however I clearly did), I think it might have been obvious to any man less acquainted than his Lordship with military reasoning, that the force, which had been sufficient to take possession of New-York, and other strong holds of the enemy, could not, after the necessary divisions for preserving the variety of posts we had gained;

* In stating numbers present, rank and file fit for duty is always *meant*.

gained, be equally suitable to the making of new conquests. For is it not self-evident, that the power of an army must diminish in proportion to the decrease of their numbers? And must not their numbers for the field necessarily decrease, in proportion to the towns, posts, or forts, which we take, and are obliged to preserve? But his Lordship proceeds to say, that his concern (on account of this imagination of mine) is in a great degree alleviated by the intelligence which he daily receives, of the rebels finding the utmost difficulty in raising an army to face his Majesty's troops.—From the supposed weakness of the enemy, and the good inclination of the inhabitants, he has every reason to expect that my success in Pennsylvania will enable me to raise amongst them such a force as may be sufficient for the interior defence of the province.—He declines a particular consideration of the advantages which may be expected from a successful execution of my present plan, but is pleased to inform me (in contradiction to my repeated representations and assertions) that he is inspired with no small degree of hope, that this campaign will put an end to the unhappy contest. Thus, Sir, all my positive assurances, arising from a declared want of force, and from a plain state of facts, are here answered with the single argument of his own delusive hopes, built upon a supposition of the enemy's weakness: to what a dilemma is a commander reduced, when, after having repeatedly complained of his deficiency of strength, the minister, from information collected here at home, or from hopes suggested by fears, opposes his own conjecture (I cannot call it judgment), and tells him, that decisive success is still expected from him? If the powers of this country, or the extent of his Lordship's influence, could not have raised the force required, that answer would have been satisfactory to me, and no reflection upon himself. That answer would have relieved my mind from an apprehension I began to entertain, that my opinions were no longer of weight; and that of course the confidence so necessary to the support, satisfaction, and indeed, security, of every man in a responsible situation, was withdrawn. If the noble Lord had thought that my requisition for more troops was unnecessary, and that the force he had already furnished was adequate, why did he not take the manly part of appointing some other person to fulfil those sanguine expectations, which from duty and conviction I had laboured to discountenance?

In

In order to preserve, as well as I can, the historical chronology, amidst such numerous events and quotations, I must in this place remind the committee, that in my letter to the Secretary of State of the 2d of April 1777, I enclosed a copy of a confidential letter which I wrote on the 5th of the same month spontaneously to Sir Guy Carleton; I say spontaneously, because I had not at that time received any official information concerning the plan of the Northern expedition, which I conceived was to take place that year. It may be recollected, that the substance of this letter was, that I should probably be in Pennsylvania at the time when the Northern army would be ready to enter the province of New-York: that little assistance was to be expected from me to facilitate their approach, as a want of sufficient strength in my own army would probably not admit of my detaching a corps to act up Hudson's River in the beginning of the campaign.

On the 5th of June I received a copy of the Secretary of State's letter to Sir Guy Carleton, dated the 26th of March 1777, wherein he communicates to him the plan of the Northern expedition, and adds, "that he will write to Sir William Howe by the first packet."

I must observe, that this copy of a letter to Sir Guy Carleton, though transmitted to me, was not accompanied with any instructions whatsoever; and that the letter intended to have been written to me by the first packet, and which was probably to have contained some instructions, was never sent.

I come now to the summer of 1777, passing over the expeditions in March and April to Peek's-Kill and Danbury.

The progress of our army in Jersey being also fully mentioned in my letters upon the table, I likewise pass over the various occurrences there, previous to the embarkation at Staten-Island. But as I have been blamed for not marching, before I left Jersey, to attack General Washington, posted at Middlebrook, I must beg leave to trouble the committee with a few words upon that point.

To have attacked General Washington in that strong post, I must necessarily have made a considerable circuit of the country; and having no prospect of forcing him, I did not think it adviseable to lose so much time as must have been employed upon that march, during the intense heat of the season.

Exclusive

Exclusive of this consideration, our return must have been through a very difficult and exhausted country, where there was no possibility of keeping up the communication with Brunswick, from whence alone we could draw our provisions; and the force with me at that time, amounting only to about 11,000 men, it would not admit of sufficient detachments to preserve the communication. The movement which I did make in two columns was with a view of drawing on an action, if the enemy should have descended from his post, and been tempted towards the Delaware, in order to defend the passage of the river, on a supposition that I intended to cross it. But as the position of my first column at Hillsborough must have induced that idea, and yet had not the desired effect, I determined to return to Brunswick, and follow the plan which had been approved by the minister. These reasons, together with those assigned in my letter of the 5th of July 1777, will, I hope, sufficiently account for my not attacking General Washington upon that occasion. I must also observe, that even so long before as in my letter of the 2d of April, I declared it was not my intention to undertake any offensive operation in the Jerseys, unless some very advantageous opportunity should offer.

But it has been asked, why I did not cross the Delaware, and proceed by land to Philadelphia? To this I answer, that from a want of sufficient means to pass so large a river, I judged the difficulties and the risk too great, more especially as the enemy had a corps ready for the defence of it, exclusive of their main army in my rear.

I have already shewn, that finding the promised reinforcements were not to be expected, I informed the Secretary of State, that the plan first proposed could no longer be thought of, that the Jerseys must be abandoned, and Pensylvania be invaded only by sea. The communication for provisions through such an extent of country, could not possibly be maintained with the force then at my command. This, Sir, is surely a satisfactory answer to the charge of my not having proceeded to Philadelphia at that time by land.

In my next letter of the 7th of July 1777, I observed, "that the war was now upon a different scale with respect to the increased powers and strength of the enemy, than it was last campaign, their officers being much better, with an addition of several from the French service, and a respectable train of field artillery: that 50 pieces of brass cannon had

been landed at Boston, and that the rebel army in Jersey had already with it a field train of forty pieces—that unless the British regiments were completed with draughts and good recruits, we should soon lose our consequence by the current casualties of a campaign, even without a general action: That a corps of 10,000 Russians, effective fighting men, might insure the success of the war to Great-Britain in another campaign: but that if they were not to be had, and if we should succeed this campaign in the possession of Pennsylvania, the Jerseys, and the province of New-York, (which I had before said must in a great measure depend upon the success of the Northern army) the draught troops in that case, for the preservation of them in the next campaign, would be great, at the same time that a considerable force would be requisite for the reduction of the Northern provinces, wherein three armies should be employed to make it effectual: and that even in our present state, twenty regular battalions were employed for the security of York-Island with its dependencies, and Rhode-Island."

It may be observed, that I made various alterations from time to time in the plans of operations, but I flatter myself they will be found solid, so far as they relate to the distribution of the troops to Rhode-Island, New-York, and the main army.

With regard to the main army, the question is, "Whether it could have been disposed to better advantage than upon the expedition which took place to Pennsylvania?"—an expedition said by some gentlemen to have been the cause of the subsequent misfortunes: those gentlemen will, I presume, endeavour to support this strong assertion by evidence of the officers, the general officers, upon whose opinions they profess to have founded their judgement. If there are any in this committee who have formed a similar conclusion from their own reasoning, I trust they will this day favour me with their ground for such opinion, unless they should be satisfied with what I am going to state in my justification. And in making this request, I know I address myself to men of honour, who cannot mean a wanton accusation, but who may wish to be satisfied in points not sufficiently explained.

And here, Sir, although I might shelter myself from this violent charge, by referring to the complete approbation, as well as the acquiescence of the Secretary of State, and might answer every objection by the short observation, that the reasons

reasons for adopting this expedition are adjudged by his Lordship to be solid and decisive; yet am I content to wave that justification, and to stand entirely upon the merits and policy of the measure itself.

Persons of some authority, I am told, have said, "that the army ought to have gone into New England, others that it ought to have gone up Hudson's River." Permit me to examine the propriety of both those opinions, by considering what would have been the consequences, if either of them had been adopted.

Suppose, in the first place, it had gone to New-England, would that measure have led to a conclusion of the war? I think not. For, Sir, wherever the main body of our army had gone, there most assuredly would General Washington have gone also. But that he would have avoided a general action, I am authorised to say, not only from his constant uniform conduct in that respect, (and in which, no doubt, he acted judiciously) but also from this very obvious reason: He knew we could not have any part of Connecticut in the winter, except one or two places upon the coast of the sound; situations which would not have forwarded the recovery of that province. In Connecticut, therefore, there was no object for which he could have been tempted to risk a general action.

Besides, the provinces of New England are not only the most populous, but their militia, when brought to action, the most persevering of any in all North America; and it is not to be doubted that General Washington, with his main army, would have followed me into a country where the strength of the Continent, encouraged by his presence, would have been most speedily collected.

In Pennsylvania the prospect was very different. The increase of force which that country could afford to Washington was small in comparison to the other; and the defence of Philadelphia was an object, which I justly concluded would engage the whole of his attention. It was incumbent upon him to risk a battle, to preserve that capital. And as my opinion has always been, that the defeat of the rebel regular army is the surest road to peace, I invariably pursued the most probable means of forcing its commander to action, under circumstances the least hazardous to the royal army; for even a victory, attended by a heavy loss of men on our part, would have given a fatal check to the progress of the war, and might have proved irreparable.

These,

These, Sir, were my inducements at the time, for carrying his Majesty's arms into the province of Pennsylvania in preference to those of New England*.

Had the reinforcements I required been granted, New-England would have had a share in the general operations of the campaign, while the main body acted to the southward. But with an army upon the smaller scale, that plan was impracticable; and I have already given my reasons why I could not carry the main army into those provinces, unless I had been really desirous of protracting the war for my private advantage, a motive which has been basely imputed to me by those who wish to perpetrate the ruin both of my professional and my private character.

The second suggestion is, that I ought to have gone up Hudson's-River, in order to facilitate the approach of the Northern army to Albany. What would have been the consequences of such an expedition? Before the object of it could have been attained, the forts in the Highlands must have been carried, which would probably have cost a considerable number of men, defended as they would have been by General Washington's whole force. But these forts being carried, how would the enemy have acted? In one of these two ways: He would either have put himself between me and New-York, or between me and the Northern army. In either case I am of opinion that the success of our efforts upon Hudson's River could not, from the many difficulties in penetrating through so very strong a country, have been accomplished in time to have taken possession of Philadelphia that campaign. But admitting I had at length reached Albany, what should I have gained, after having expended the campaign upon that object alone, that I had not a right to expect by drawing off General Washington, with the principal American army, for many operations on that side?

When it is considered how invidious and how minute a scrutiny has been made into my conduct, and into the motives of my conduct, I shall not be thought to speak absurdly if I say, that had I adopted the plan of going up Hudson's-River, it would have been alledged, that I had wasted the campaign

* I have omitted a computation of the strength of the New England provinces, because it is impossible to speak of it with a sufficient degree of accuracy.

campaign with a considerable army under my command, merely to ensure the progress of the northern army, which could have taken care of itself, provided I had made a diversion in its favour, by drawing off to the southward the main army, under General Washington. — Would not my enemies have gone farther, and insinuated, that, alarmed at the rapid success which the honourable General had a right to expect when Ticonderoga fell, I had enviously grasped a share of that merit which would otherwise have been all his own? And let me add, would not ministers have told you, as they truly might, that I had acted without any orders or instructions from them; that General Burgoyne was directed to force his own way to Albany, and that they had put under his command troops sufficient to effect the march?— Would they not have referred you to the original and settled plan of that expedition, (which is among the papers on your table), to prove that no assistance from me was suggested? And would they not readily have impressed this house with the conclusion, that, if any doubt could have arisen in their minds of the success of such a well-digested plan, they should, from the beginning, have made me a party in it, and have given me explicit instructions to act accordingly?

And now, Sir, having sufficiently, and, I hope, satisfactorily spoken to the two plans, which some persons have judged ought to have taken place, I return to the only one which, in my own opinion, could with propriety have been adopted.— After the most mature deliberation, and frequent consultation with the Admiral, Lord Cornwallis, and other general officers; after weighing all the circumstances of every possible operation; after the most probable conclusion, founded upon the best intelligence, that General Washington would follow me, I determined on pursuing that plan which would make the most effectual diversion in favour of the Northern army, which promised in its consequences the most important success, and which the Secretary of State at home, and my own judgment upon the spot, had deliberately approved.

It was not one province, but three, that I conceived we had reason to expect possession of, at the end of the year 1777. The first object was Philadelphia, a city from whence, by means of the river Delaware, the rebels drew the greatest part of their supplies—the capital of Pennsylvania—the capital, as it were, and residence of the Congress in North America, situated in one of the most fertile provinces of that continent, and in which I include the three lower counties on

Delaware. Added to Pennsylvania, I concluded that the arrival of the Northern army at Albany would have given us the provinces of New York and the Jerseys; all which events I was confident would lead to a prosperous conclusion of the war.

Early in July 1777, I began the embarkation.—I wished however to remain until the arrival of Sir Henry Clinton from Europe, who was to command at New York in my absence, and until I should learn something of the progress of the Northern army. On the 5th of July, Sir Henry Clinton arrived, and on the 15th I received an express from General Burgoyne, informing me of his success at Ticonderoga, "that his army was in good health, and that Ticonderoga would be garrisoned from Canada, which would leave his force complete for further operations." In my answer, I said, that I expected General Washington would follow me to Pennsylvania, but that if, contrary to my expectation, he should go northward, I should soon be after him. It may also be proper in this place to advert to the instructions I left with Sir Henry Clinton, and to several of my subsequent letters to that General. As I omitted to send copies of them to the Secretary of State, they are not upon the table; but I have them in my hand, and with leave of the committee will read a short extract of them.

Extract of Instructions from Sir William Howe *to* Sir Henry Clinton, *dated 9th July* 1777.

"Upon my departure from hence with the army, you will be pleased to take the command of the troops mentioned in the inclosed return, and of all other troops now here, or that may arrive in my absence. You will make such changes in the position of them as you may judge most conducive to his Majesty's service, for the defence of this important post and its dependencies, whereby I would be understood to include King's Bridge, Long Island, Staten Island, Paulus Hook, and Sandy Hook; at the same time it is by no means my intention to prevent your acting offensively, in case an opportunity should offer, consistent with the security of this place as above-mentioned, which is always to be regarded as a primary object."

Extract of a Letter from Sir William Howe *to* Sir Henry Clinton, *dated 15th July* 1777.

"I have directed the 7th and 26th regiments of foot, and Colonel D'Eib's regiment of Anspach, to remain here under your

your orders, in addition to the troops of which you have received a return, and am hopeful, if you see occasion to act offensively, those corps may prove of essential use.

"Upon the arrival of Major-General Sir Thomas Wilson, you will be pleased to order him to join me, unless from any offensive operations you may have in view at the time, you shall find his presence necessary for that service, in which case you will keep him under your command."

Extract of a Letter from Sir William Howe *to* Sir Henry Clinton, *dated off Delaware, 30th July* 1777.

"It is not possible for me to say, at this time, when I shall be able to send reinforcements to you, but I beg you may be assured I shall not fail to do it as soon as expedient: In the mean while, if you can make any diversion in favour of General Burgoyne's approaching Albany, with security to King's Bridge, I need not point out the utility of such a measure."

From these extracts it is to be observed, that I gave full power to Sir Henry Clinton to act offensively, if opportunity should offer, consistent with the defence of New York and its dependencies; and that the facilitating the approach of the Northern army, by a diversion in its favour, if practicable, was not out of my thoughts, although I had received no instructions whatsoever upon that head.

The committee will now permit me to state the distribution of the whole army under my command, at the time of my departure to the southward. For the defence of Rhode-Island there were about 3000 men; at New York about 8500, exclusive of the sick and convalescents of those corps, and of the Southern army, and a small body of militia upon Long-Island. These two corps I judged to be not more than sufficient for their situations at that time, especially in the view of Sir Henry Clinton's acting upon occasion, to a certain degree offensively in favour of the Northern army. My own corps, to be opposed to the enemy's principal army, was nearly 14,000, and knowing General Washington to have about 15,000, exclusive of almost any number he pleased of militia, I could not think it adviseable to weaken any of those corps, by detaching from them for an expedition to the northward by sea.

The embarkation being finished, we sailed from New

York the 23d of July, and arrived off the Delaware on the 30th. Several days must have been employed to surmount the difficulties of getting up the river; and I inferred from thence, that I should not be able to land the troops before General Washington would be in force at Wilmington, where there was also a corps: there was besides no prospect of landing above the confluence of the Delaware and Christiana Creek, at least the preparations the enemy had made for the defence of the river, by gallies, floating batteries, fire-ships, and fire-rafts, would have made such an attempt extremely hazardous. I had also to consider that the country below, where the troops must have landed, and where only the transports could have laid in security (I mean about Reedy Island), was very marshy, and the road upon narrow causeways, intersected by creeks; I therefore agreed with the Admiral to go up Chesapeak Bay, a plan which had been preconcerted, in the event of a landing in the Delaware proving, upon our arriving there, ineligible. It is to be observed, that if we could not have landed above Wilmington, we should have been under the necessity of going the same route we took from the head of the Elk, by way of Aikens's Tavern, otherwise called Pencadder.

Our going up Chesapeak Bay alarmed the provinces of Virginia and Maryland, and diverted a body of their troops, which did not join General Washington until after the battle of Brandywine. Another circumstance much in our favour attended this change: our troops, by being on board ship in the hot month of July and part of August, escaped an almost certain fatality by sickness, in which the enemy suffered much at that time. But for this I do not take credit, as I was anxious to get forward, and no delay arose from that consideration. I will, however, declare it as my opinion, that in those two months the troops should be exposed as little as possible in the field, in America.

On the 16th of August we entered Chesapeak Bay, and there I received the minister's letter of the 18th of May 1777, wherein I am again told, that my last plan is approved, and in the same period, that he trusts, "whatever I may meditate, it will be executed in time for me to co-operate with the Northern army." Were I to be permitted to account for this expectation, I would say, it must have been founded upon an idea, that the possession of that most important

portant object, Philadelphia, was to be obtained without any great efforts of the enemy for its defence; at least I must conclude the noble Lord apprehended none. The fact however is, that Mr. Washington opposed our progress with his whole force. It is also to be remarked, that, although the idea of going up Hudson's-River had not entered into any of the reduced plans which I sent home, and which met with approbation, yet, in this letter, it is suggested, at a time when there could be no possibility of carrying it into execution, consistently with the approved expedition I was then upon. I was now under the necessity of proceeding *.

I pass over the time between the landing of the army, near the head of the Elk, and the battle of Brandywine. But understanding some fault has been attributed to me for making a division of my force to bring on that action, I flatter myself it will not be thought impertinent to say a few words on that subject.

To bring the enemy to an action was my object, and being confident that General Washington was studious to avoid it,

* Lord George Germain, in his answer to this part of my speech, complained of my neglect of duty in point of correspondence, by declaring, that after I had embarked for Pennsylvania, two months elapsed without his hearing from me. I took the earliest opportunity of replying to his charge; the fact stands thus:—On the 16th of July I wrote to his Lordship, informing him, that I proposed going up the Delaware, in order to be nearer New-York than if I went up the Chesapeak, as I once intended, and which route I preferred to that of the Delaware, provided the enemy discovered a disposition to defend Pennsylvania. This letter was received by the noble Lord on the 22d of August. My next letter was dated the 30th of August, from the head of the Elk; but it happened that the Swallow packet, carrying that letter, had a very uncommon length of voyage, and did not reach England till the 28th of October, which accounts for his Lordship's having been two months without hearing from me, my letter of the 16th of July having reached England on the 22d of August. The noble Lord, when he was so unusually long without receiving a letter from me, might have conjectured the possibility of a packet's having a tedious voyage; of its having been lost; or of its having been taken by the enemy. Indeed, he might also have conjectured, from the words I have quoted in my letter of the 16th of July, that I was gone up the Chesapeak, which would necessarily lengthen my voyage from New-York; and finally, he ought to have compared the dates of the letters themselves, and not the dates of their arrival.

unless under most favourable circumstances, some art and some hazard was necessary to accomplish my purpose.

The movements made on this occasion, which may be found in my letter of the 10th of October 1777, were not repugnant to sound principles; and it is no small consolation to me to know, independent of the event, that I have the opinions of the most judicious officers in the army on the spot, to support a measure which some gentlemen, from what authority I know not, have been pleased to censure. But at the same time that I am reflected upon on one hand, for hazarding too much, I am blamed on the other, for not making the action more decisive, and for not following up the victory more closely.

To demonstrate the impracticability of a vigorous pursuit in a hostile country (but more particularly in America than in any other country I have seen), or the inutility of attempting it farther than was done, in the peculiar state of the army at that time, would be trespassing too much upon the indulgence of the committee. I flatter myself it will suffice to say, that from a due regard to the wounded, the importance of possessing the post at Wilmington for their accommodation, and for the security of the prisoners, no movement could have been made sooner, or more effectual, under such circumstances, than the advance of the two corps with Major-General Grant and Lord Cornwallis towards Chester; and I must be allowed to insist, there was no avoidable delay in the approach to Philadelphia by Valley Forge, the Schuylkill, by the nearer route through Derby, being impassable; nor any opportunity lost of bringing the enemy to farther action between Dilworth and German-Town. This I nearly effected on the 17th of September, when he was upon his march on the Lancaster road, but the extreme violence of the weather rendered every effort to get forward impracticable. They had, therefore, an opportunity of evading the approach of the King's army, by a forced march into a very rough mountainous country, where it was certain they could not be followed. But my endeavours to get at the enemy, whatever was thought by those actually engaged in them, have been treated here as ill-judged, feebly prosecuted, and void of enterprize, which last censure has been even extended to the general conduct during my command.

I shall

I shall not descend to minute refutations, but I beg leave to say, and I assert it with firmness, that almost every movement of the war in North-America was an act of enterprize, clogged with innumerable difficulties. A knowledge of the country, intersected as it every where is, by woods, mountains, waters, or morasses, cannot be obtained with any degree of precision necessary to foresee, and guard against, the obstructions that may occur. In a word, Sir, whatever may be the aim or wish of my enemies, in propagating these aspersions, it is from my conscience I affirm to this committee, and to my country at large, that I never neglected an opportunity of bringing the enemy to action, where it could have been done upon a comparative view of all circumstances at the time, and consistent with the caution indispensibly requisite in a situation always so critical, that a material check to his Majesty's arms might have been productive of fatal consequences to the interests of this country in America.

The next point is the attack made upon the King's army at German-Town on the 4th of October, which has been maliciously represented as a surprise, thereby throwing a stigma upon the vigilance of the troops, but more particularly upon that of the General.

The circumstances which encouraged the enemy to make this attack are set forth in my letter of the 10th of October 1777, as well as the reasons for making the detachments which caused that encouragement. In addition to the account there given, I beg leave to inform the committee, that my first position at German-Town was taken to cover Philadelphia, during the operations carrying on against Mud-Island, and was therefore more extended than it otherwise would have been. It is true, however, that I did not expect the enemy would have dared to approach after so recent a defeat as that at Brandywine.

In this idea I did not direct any redoubts to be raised for the security of the camp or out-posts, nor did I ever encourage the construction of them at the head of the line when in force, because works of that kind are apt to induce an opinion of inferiority, and my wish was, to support by every means the acknowledged superiority of the King's troops over the enemy, which I considered more peculiarly essential, where strength was not to be estimated by numbers, since the enemy

in that respect, by calling in the force of the country upon any emergence, must have been superior.

I confess also it was for the above reasons I did not change my position, after making the detachments beforementioned, choosing rather to trust to the well-tried vigilance of the troops, and the activity of the patroles (though I had intimation that an attack might be made), than to give the army unnecessary fatigue, by making more cautionary preparations.

In my confidence in the troops I was not disappointed; the enemy's approach was discovered by our patroles, and I had early notice of it. The line was presently under arms, and although it must be admitted that the out-posts and light-infantry in one quarter were driven back, it must be equally admitted that they were soon effectually supported, and the enemy repulsed from the only place where the smallest impression was made.

I cannot mention this transaction without paying a due acknowledgment to an excellent officer, Lieutenant-Colonel Musgrave, whose gallant and judicious conduct, upon this occasion, will, I hope, some day meet with its reward.

I have stated these facts, in addition to the account in my letter upon the table, principally to shew, that how much soever I may be supposed to have erred in my own conjecture, the imputation of the army being unguarded or surprised is not founded in truth.

On the 19th of October I found it adviseable to remove to Philadelphia, to expedite the reduction of Mud-Island, which proved to be more difficult than was at first supposed. To this end the possession of Red-Bank on the east side of the Delaware engaged my attention. The event of that enterprise is contained in my letter of the 25th of October 1777; but as I understand that a pointed reference was made to it in this House, last year, by the noble Lord in the American department, I shall briefly state, to the best of my recollection, the circumstances under which Colonel Donop, a brave and gallant officer, was detached on this service. He earnestly intreated Lord Cornwallis, in whose corps he served, to express his wishes for an opportunity to signalize himself, and the Hessian troops under his command. My design on Red-Bank affording the earliest opportunity, I desired Lord Cornwallis

Cornwallis to explain the nature of the service, and if it should meet with his approbation, to offer him the command, which he very readily accepted. On the evening of his departure Colonel Donop desired to know from Lord Cornwallis, if it was expected he should make the attack at all hazards, when Lord Cornwallis assured him from me, that he was to be guided by his own judgment on the spot; but that the attack was to be made, unless he saw good reason to the contrary. If I may conclude from the manner in which I parted with Colonel Donop, or from the approbation the directions given to him received from his immediate and most valuable commander, General Knyphausen, I have every reason to believe he went upon the service perfectly satisfied.

The committee will do me the justice to believe, I have no other motive for this explanation, than to make known what really passed with respect to the orders given to Colonel Donop upon this enterprise. The intrepidity and vigour with which it was attempted, reflect the highest honour upon the commander and his troops, and the loss sustained upon the occasion cannot be too much regretted.

It has been asserted, that an early possession of Red-Bank must have been immediately followed by the reduction of Mud-Island, to which I in some measure agree, that is to say, after the enemy had put it in a state of defence: before that time such a corps as could have been spared from the army, must have been established and supplied with stores and provisions, with great difficulty, while exposed to the annoyance of the armed gallies and floating batteries; and before the army was drawn nearer to Philadelphia, the support of a post, so detached, would have been very precarious.

I must nevertheless acknowledge my great disappointment in the time that proved necessary for the reduction of Mud Island; but if the violent rains, by filling the trenches, and sapping the foundations of the batteries, had not caused a considerable delay in the destruction of the enemy's defences, which prevented an earlier co-operation of the ships of war, I probably should have been much less deceived in my expectations.

My

My dispatch, of the 13th of December 1777, respecting the movement to White Marsh, and my conduct on that occasion, is so explicit as to make farther observations unnecessary.—The motives from which I acted at that time were, I think, just; and if they appear inconclusive to any here, I can only esteem myself unfortunate in the want of their concurrence.

The activity of the army, during the winter, is undeniably proved by my subsequent letters; but, as many of the transactions were in their effects less important to the grand object than to the credit of the troops, the most material only were specified in my dispatches.

The entrenched situation of the enemy, at Valley Forge, twenty-two miles from Philadelphia, did not occasion any difficulties so pressing as to justify an attack upon that strong post, during the severe weather; and though every thing was prepared with that intention, I judged it imprudent, until the season should afford a prospect of reaping the advantages that ought to have resulted from success in that measure; but having good information in the spring, that the enemy had strengthened the camp by additional works, and being certain of moving him from thence, when the campaign should open, I dropped all thoughts of an attack. My letter of the 19th of April 1778, gives further reasons for this part of my conduct.

From the remainder of my correspondence, gentlemen must have seen that I continued my remonstrances for more troops. Perhaps it was impossible for the minister to send more. — Such an acknowledgement would have been no reflection upon himself, and would have relieved my mind from the uneasiness it laboured under, in conceiving that my opinions of the necessity of reinforcements were deemed nugatory; and that, of course, I had lost the confidence of those who were, in the first instance, to judge of my conduct. It cannot be surprizing that, finding myself in this situation, I desired his Majesty's permission to withdraw from the command.—I gave the true reason for that request —the loss of confidence.—The reason was tacitly acknowledged to be well-founded, for it was acquiesced in; and his Majesty was pleased to appoint a successor to the command of the army.

With

With regard to the complaint I made of the loss of confidence, the noble Lord, in the American department, must have done great injustice to my sensibility, when he expressed an opinion upon a former occasion, that I alluded merely to the slight put upon my recommendations; not but that I confess I was mortified to find, that brave officers, whose eminent services I had strongly and faithfully represented, were not rewarded at home with the distinctions expected for them by the army in general, as well as by me.—It were a matter of small moment if the evil went no farther than to my personal mortification; but if it be true that the spirit of military men is raised or depressed by the conferring or withholding of their Sovereign's substantial approbation, such slights may prove of very dangerous tendency.

The noble Lord, on a former day, thought proper to treat my recommendation of Captain Emmerick with a certain air of contempt and ridicule. He had forgot, it should seem, that he himself sent Captain Emmerick to America, and, in the very extraordinary terms contained in his Lordship's letter of the 25th of April 1776, originally recommended him to my attention. His Lordship best knows the purpose for which he sent him out, and whether he was a proper person to raise a body of men, or to be trusted with money for such a service.

When I received my orders to return home, as soon as Sir Henry Clinton should arrive at Philadelphia, I confess I became cautious of hazarding exploits which might have reduced the army of my successor, though, a fair opportunity happening to present itself, I did make one attempt, which, had it succeeded, would have proved a severe stroke upon the enemy. Upon the whole, I flatter myself it will be found that I made no disadvantageous use of the army under my command, and that I never made deceitful representations of the situation of affairs, but freely communicated my sentiments upon the force necessary to suppress the rebellion; and I am to this hour confident, that if sufficient reinforcements had been sent from hence, and the plan of operations which I took upon me to propose, had been adopted in its proper extent, the war in North America would now have worn a very different aspect.

I have

I have heard it has been said, that my civil commission was inconsistent with my military command—and that my mind was more intent upon bringing about a peace by negociation, than by force of arms. Sir, thinking it my first duty, I certainly should have preferred the former mode of conciliation, and my brother and I for that purpose did go to the utmost verge of our very limited commission and instructions. But our proceedings in the character of commissioners never for one moment suspended our military operations. We soon saw that the leaders of the rebellion were determined, from interest, if not from principle, to prevent a reconciliation with Great Britain, and therefore our joint endeavours were invariably exerted in the prosecution of the war, to as great an extent as the force in our hands would permit.

The reflection, that the civil and the military commission were incompatible, has, I know, been applied particularly to my conduct. I boldly assert it to be ill-founded, as I am certain I never delayed to seize an opportunity of attacking the enemy, consistently with my duty of weighing the risk of ruining the cause I was engaged in by a considerable loss of troops: and indeed those who are acquainted with my commission and instructions, as a commissioner of peace, must know, that from the restrictions they contained, it was next to an impossibility, that my military could materially interfere with my civil duty.

I have trespassed, I fear, too long upon the patience of the committee—The great importance of the subject, and the detail of facts I have been necessarily led into, will, I hope, plead my apology. I shall trouble you with but a word more, in support of the measure of proceeding to Philadelphia. Before I came from thence, I had every reason to be perfectly satisfied of the advantages that would have ensued from that operation, if the councils at home had thought the post proper to be preserved. The inhabitants in general of the province of Pennsylvania, those of the lower counties on Delaware, and those of the lower part of Jersey, were forward to return to their allegiance, and even to assist offensively in compelling his Majesty's revolted subjects to their duty. This favourable disposition, however, did not appear immediately.—An equivocal neutrality was all I at first experienced; our successes and apparent

parent ability to retain our advantages, induced the inhabitants at last to be less reserved. Secret intelligence, which, until that period, had been extremely difficult to procure, was then so good, and so readily obtained, that I could not but attribute it to the possession of Philadelphia, which convinced the country of the superiority, and persuaded them of the established power of his Majesty's arms. The difficulties of the Congress, in raising supplies, and in recruiting Mr. Washington's army, then indeed became real, and had the appearance of being unsurmountable. But the French treaty, and our orders to evacuate Philadelphia, by which measure the protection of his Majesty's forces was to be withdrawn from the province, made a sudden and melancholy change in our affairs. The rebels were inspired with fresh hopes; the friends of government were dismayed.—But it is not my intention to animadvert upon orders sent from hence after my recall, nor upon the future prospects of the war.—My view is merely to justify my own conduct during the time I was honoured with the command *.

This narrative has, I fear, been too prolix; but the subject was so complicated with matter, and the circumstances necessary to be brought into a clear point of view, were so numerous, that brevity would not have been consistent with perspicuity. Had I laboured to make my Narrative short, it would have been obscure. Sensible as I am of the great attention and indulgence with which the committee has honoured me, I now hasten to the conclusion.

The

* Mr. Joseph Galloway, in his evidence to the committee of the House of Commons, positively asserts, that I advised him, and the other magistrates, to go over to Washington, and make their peace. The truth is, as soon as it was known that orders were arrived for the evacuation of Philadelphia, Mr. Galloway came to me on behalf of himself and the other magistrates, and requested my advice and assistance concerning the measures to be adopted for their welfare. I assured him, that if they chose to go with the King's army, they should be taken all possible care of; but if they rather chose to stay behind with their property and families, I could have no objection to their enquiring previously, whether Washington and the Congress would grant them protection and security.

The Secretary of State, as appears in his letters, has signified in the most flattering expressions, his Majesty's approbation of every material part of my conduct, during the whole of my command. His Lordship's own personal applause is also very warmly conveyed throughout his correspondence; all his letters, however, may with propriety be said to have been private letters, until they were laid before this house. The knowledge of the approbation they contained was confined within his Lordship's breast and mine. When calumny first became busy with my reputation, I could have wished his Lordship's sentiments more generally known;—though it would not perhaps have become me to have obtruded upon the world those official declarations in my own favour. But I must ever think it would have been an ingenuous, an honourable, and a liberal part in the noble Lord, to have avowed openly in Parliament, the approbation, which it is to be presumed he was convinced I deserved, because he had advised the King to bestow it. Such a conduct would have stopped the current of ill-founded accusations against me. Such a conduct would have secured to himself the confidence, and to his country the chearful services of future generals.

And now, Sir, having endeavoured to bring before you, by the most impartial quotations, all the evidence that I thought necessary to collect from the papers on your table, I shall only remind you, that the house has ordered the attendance of several of the most respectable officers who served in America during my command. Their testimony may confirm the truth of the facts I have advanced, and will undoubtedly explain and prove any other material circumstances which you may think necessary for your investigation.

And, Sir, if the House of Commons, or any individual member, shall have any charge or accusation to make against me, I declare myself ready and willing to meet it. The committee is open for the reception of any other papers, and for the examination of any other witnesses. My only wish is, that every possible light may be thrown upon every part of my conduct.

I move that Earl Cornwallis be called in.

After a few words, it was agreed not to call in the witness this day, but to postpone the examination to May 6th *(which see)*.

April

April 28.

The almanack bill was presented by Lord North, and read the first time.

Mr. *Dempster* moved, that the second reading should be that day three months. He said it was an unfair monopoly; that a decision had already been given in a court of law against it; and that it was inconsistent in the noble lord as chancellor of the exchequer by diminishing the revenue. He mentioned the general liberty given in Scotland for any person to publish almanacks, which made the booksellers studious to be correct; and asserted, that the Scotch almanacks were better than those of the Stationers company.

Mr. *Turner* observed, that Mr. Carnan had presented a petition against the bill, and hoped to be heard at the bar by his counsel*.

Lord

* The petition sets forth, That, in the year 1773, the petitioner, Thomas Carnan, printed and published an almanack, under the title of "A diary for the year of our Lord 1774, being the second after bissextile, or leap-year, and the fourteenth year of his present Majesty, and the twenty-third of the new stile used in Great Britain, by Reuben Berrow, late assistant astronomer at the royal observatory, and teacher of the mathematics at Greenwich," and sold and continued to sell the same until about the middle of November 1773, at which time the master and keepers or wardens and commonalty of the mystery or art of Stationers of the city of London, assuming and usurping to themselves an exclusive privilege of printing and publishing almanacks and prognostications, and all manner of books and pamphlets tending to the same purpose, under pretence of letters patent granted by King James the First, dated the eighth day of March, in the thirteenth year of his reign, to the then master and keepers or wardens and commonalty of the said company of stationers, and their successors, for that purpose, and conceiving that the petitioner had illegally encroached on such their supposed exclusive right, did, in Hilary term 1774, file a bill in the court of chancery against the petitioner, stating the aforesaid patent, and complaining of such pretended illegal encroachment of the petitioner, and praying an injunction to restrain the petitioner from printing and selling such almanack or diary; and that, by the practice of the said court, the mere filing the complainant's bill, and a certificate thereof from the six clerks of the bill being filed, and an affidavit of the facts stated in such bill, are, in the first instance, deemed a sufficient ground for granting such injunction, without any notice given to the defendant to shew cause against it; and on such ground an injunction was applied for against the petitioner, to restrain him from printing and selling his said almanack or diary; and the petitioner, not having any notice of such bill having been filed, or of such intended application, was thereby deprived of any opportunity of shewing cause against and opposing the said application, and an injunction was by such means obtained against the petitioner, until he should have put in a full answer to the plaintiff's bill, and the court should make further order; and that the petitioner afterwards put in his answer to the complainant's bill, and denied the whole equity thereof, and did then apply to dissolve the said injunction: and, on the first day of March 1774, the petitioner obtained an order to be at liberty to sell his said almanacks, under certain restrictions; and the said order further directed, that a case should be made for the opinion of the court of common

Lord *North* said, Mr. Carnan should be heard, and therefore moved that the bill be read a second time on the third of May.

The House divided on the second reading, for it 129, against it 42.

The

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mon pleas, and that two questions should be stated thereon, the first of which should be, "Whether the grant made to the plaintiffs, the stationers company, be general, or restrained to such almanacks and prognostications as should be licensed or allowed by the Archbishop of Canterbury, the Bishop of London, or either of them, for the time being;" and the second question should be, "Whether the crown hath a prerogative and power to grant the same to the plaintiffs, exclusive of any other or others;" and all necessary facts were directed to be stated in the said case; and that the said case was, first in Hilary term 1775, and afterwards in the Easter term following, solemnly argued in the court of common pleas, on the said two questions; and the chief justice and the three puisne judges of the said court unanimously agreed to, and signed a certificate to the court of chancery, of their opinion on the two points referred to them in the following words, viz. Answer to first query. "Having heard counsel on both sides, and considered the case, we are of opinion, that the grant made to the plaintiffs, the Stationers company, was restrained to such almanacks and prognostications as should be licensed or allowed by the Archbishop of Canterbury, the Bishop of London, or either of them, for the time being:" Answer to second query, "We are of opinion, that the crown hath not a prerogative or power to make such grant to the plaintiffs, exclusive of any others or other;" and that the petitioner, having obtained such certificate, did, in June 1775, apply, by motion to the court of chancery, to dissolve the said injunction, which the said court, on reading the same, granted, and the petitioner was thereby restored to the liberty of printing and selling such almanack or diary; but the petitioner, by such unjust and vexatious proceedings against him, has been put to very considerable expence in establishing his right to print and vend the same, and in opposing and suppressing such usurped monopoly; and the said complainants' bill against the petitioner has been since dismissed; and that, in the course of the above proceedings, it appeared, that in some of the almanacks published by the complainants, under such their pretended exclusive authority, not only many absurd, erroneous, but even many useless, immoral, and very indecent passages were introduced, which ought to be strictly guarded against and avoided in every work calculated for general use and knowledge; which absurdities, errors, and indecencies, the said complainants have themselves been more attentive to avoid since the petitioner detected them by the aforesaid means; whereby the petitioner has been greatly instrumental in rendering almanacks in general more useful by being more correct than heretofore, and by exposing such absurdities and indecencies, will most likely be the means of abolishing the same, and of introducing in the room of it matter of public information and utility; and that the petitioner observes by the votes of the House, that a bill is ordered to be brought in, to vest the sole right of printing almanacks, in that part of Great Britain called England, in the two universities of Oxford and Cambridge, and the company of Stationers of the city of London, respectively; and that such bill, if it should pass into a law, will preclude the petitioner from the privilege which he has been so long and at so great expence contending for, and to which, by the aforesaid determination, he is now entitled, and would tend to create a new monopoly in the two universities and the said company of Stationers, destructive to the object which the petitioner has with so great expence and trouble been labouring to effect, viz. the *making* almanacks of more utility than those formerly under the monopoly of the Stationers

The report from the committee on the dissenters' bill.

Mr. *Dunning* was against any test, and maintained that the enjoyment of any right, civil or religious, in a free government, ought not to be clogged with any restrictions; that government having secured the established religion of the country by law, and confined all the honours and emoluments of the church to the ministers of that religion, all dissenters from it, while they behaved themselves as loyal subjects, ought to enjoy their own religious opinions without any restraint, as a common right belonged to them by the nature of the constitution itself. He declared that many of the protestant dissenting ministers had authorized him to give their reasons against signing the proposed declaration. He then read a paper, containing, amongst other things, the distinguishing tenet by which protestant dissenters are known throughout Europe, which is, that they deny the authority of the civil magistrate in matters of religion, and therefore they cannot consistently sign a test which admits of that authority. On this ground he said he was apprehensive the bill with the declaration might do mischief; for those who could not sign it would be liable to the penal statutes still in force; and if one single prosecution arose in consequence of this, instead of being a bill for the relief of protestant dissenting ministers and teachers, it would be an act for oppressing them. If therefore the declaration was agreed to, he should vote against the bill.

Mr. *Goodrick* expatiated largely on the necessity and sound policy of freedom in religion; there ought to be no tie upon men's professions of faith; and as to the interpretations of scripture, or the will of God, that was all vague; for tenets of every kind had been broached as scripture doctrine.

Sir Henry Houghton, Mr. Montagu, Sir George Yonge, Mr. Rous, Sir George Savile, and Mr. Turner, spoke against the bill.

Lord *North* defended it, and said he was well apprized that the greatest part of the dissenting ministers would not unwillingly sign it; and the few who did not, must be well convinced they never would be molested. It was not the

Stationers' company, which cannot be otherwise than by leaving the trade open, which will consequently create an emulation in the different publishers to attain the greatest degree of correctness; whereas, such monopoly being established, would tend, as formerly, to discourage science, be a disgrace to literature, and will moreover essentially injure and lessen the revenue, by reducing the number of stamps, which will otherwise be required in a free sale; and therefore praying that the said bill may not pass into a law; and that the petitioner may be heard by his counsel against the said bill.

spirit of the times. In no part of administration were there any such notions as to trouble men for their religious opinions. The bench of bishops, and particularly the head of the church, was a man of a different opinion. On this account, and as no instance could be produced, in this reign, of any dissenter being molested, he was astonished at the bringing in of such a bill at this time; but, as they had thought proper to do it, he had proposed a declaration, which no man who is a christian and a protestant dissenter can refuse to sign. As to deists, and persons denying the trinity, or professing other singular religious opinions, not being either christians or protestants, the bill had nothing to do with them. But certainly the state had a right to guard against authorizing men, by authority of parliament, to be teachers of their notions; this was a matter of great importance; he should, therefore, vote for the declaration.

Mr. *Rous* said, the conscientious man was the only man who would be injured by the declaration; for, not being able to sign it, he would remain open to persecution, and the power of persecution would remain, though the liberal disposition of our present rulers might prevent the exercise of it.

On a division the declaration was carried by 95 against 59.

The house went into a committee on the American papers. The remainder of them were read short, and Lord Nugent gave an intimation that he intended to make a motion as soon as the reading of the papers was finished:—Pressed by Messrs. Burke and Fox to explain, his Lordship acknowledged that he was totally averse to any inquiry. His Lordship did not however move any thing, but it was understood by both parties, that they should come prepared to support their respective opinions the next day.

April 29.

The house resolved itself into a committee to inquire into the conduct of the American war, F. Montagu, Esq. in the chair.

Sir *William Howe* moved, that Earl Cornwallis be called to the bar.

Earl *Nugent* desired that the honourable General, before the question was put, would state to the committee upon what points he meant to interrogate the noble Lord.

Sir *William Howe* replied, to the general conduct of the American war; to military points generally and particularly.

Earl *Nugent* expressed his dislike of the inquiry in general, and his determined resolution to oppose the admitting any evidence

evidence which might eventually affect the conduct of the honourable commander, or his noble brother. He saw no occasion or necessity for any inquiry at all, much less into that of the honourable General or the noble Lord. They did not stand accused before that house; the papers on the table contained the fullest approbation of their conduct, under the hands of administration. They had been received in an honourable manner by their Sovereign, and with joy by their fellow subjects. There was scarcely a letter on the table which did not contain some fresh proof what confidence his Majesty reposed in their zeal, their integrity, and great military talents. The best founded eulogiums had been made upon them in that house from every quarter. It was said indeed, that some runners and whisperers and coffee-house politicians, had traduced them in pamphlets and newspapers; but if that was sufficient grounds for inquiry into the conduct of a minister or a commander, he did not know one of either description who had escaped; such was the spirit of the times, and such the licentiousness of the press, that there was no remedy which could be applied, that might not be productive of greater evils; besides the argument, if applied at all, went this length, that any person who was traduced or vilified in pamphlets and newspapers, had a right, merely on that account, to have a parliamentary inquiry into his conduct set on foot; every person so circumstanced had the same right, which, if no other business was transacted, would take up more time than Parliament could spare. But although the house had leisure and inclination to inquire, they were not competent to the task, for what is the professed object? The honourable General says, to inquire into military matters. That house had nothing to do with general or particular military points. How could gentlemen, sitting in that house, pretend to judge of the proper distribution of a large military force, or of the good or bad disposition in the field? of the position of a brigade, or the manœuvres of a column?—It was absurd and preposterous; and could only originate in misconception in general, and in an earnest, though unnecessary zeal in the honourable commander. Were that house even composed of military officers, both land and naval, so numerous a body would be far from being the proper tribunal for such an inquiry. The constitution had made another sort of provision for dispensing military justice, he meant courts-martial, whenever circumstances called for it; but, in a case such as the present, where there did not cast a shadow or colour for censure of any

part of the honourable commander's conduct, it was demonstrably clear, that as it was not competent in that house to inquire into or decide upon military matters, in any given situation whatever, neither could a court-martial take cognisance of any thing respecting the noble Admiral or his brother, without an accuser. Where was that accuser to be found? Not in that house, he was certain; if without doors, why did he not come forth and state his complaint? As no such person had come forth, he was justified in contending that no such person existed, and further in affirming, that both the commanders stood acquitted in the opinion of their Sovereign and their Country. He did not find fault with the strong desire manifested by the honourable commander who made the motion. God forbid he should pass any censure upon a conduct apparently suggested by a nice sense of honour. But what of that? Had not the honourable commander been indulged? Had not he been heard in his own justification? Had not all his wishes, so far as they pointed to his full justification, been gratified? And was not he furnished with a full opportunity, in a very long and able speech, of proving that every idle or loose discourse concerning his military conduct was false and ill-founded, and that he had performed his duty with fidelity, integrity, and ability. He spoke for a considerable time as to the particular predicament another honourable General stood in [Burgoyne], should the present inquiry be proceeded upon. Supposing, for instance, though he wished the contrary, that the house should think proper, after weighing the circumstances between that gentleman and the noble Lord at the head of the American department, to have his conduct inquired into by a court-martial, what would be the consequence? That at the very instant the committee should come to that resolution, they must know that it could not be complied with; they must be previously informed that that honourable commander was not amenable to any military or other jurisdiction in this country; that being a prisoner under the convention of Saratoga, he was only amenable to the Congress; and if even found guilty, could not be punished, till freed from his prior engagement, by either release or exchange, or by a full exchange of ratifications on both sides. He made those suppositions merely in maintenance of his general argument, not by any means intending to pass the least degree of censure upon that gallant but unfortunate officer [*a little disorder*]. He would repeat the word unfortunate, for he thought the capture of that army was the great and original source of every

every subsequent misfortune, of the insolence of our rebellious subjects in rejecting the very favourable propositions agreed to in Parliament, and offered through the channel of his Majesty's ministers; and of the perfidy of the foreign enemy, and the critical and alarming war in which at present we are engaged. He had the highest opinion of the honourable general's valour and zeal; and if any blame was imputable, which he was far from giving any opinion upon, one way or the other, the most it could possibly amount to was, that his ardour to serve his country got perhaps the better of his prudence. As an additional argument for the propriety of stopping the inquiry, his Lordship said, it would necessarily run to great length, and there was other parliamentary business of the first importance, which called for the immediate attention of the house. Every gentleman who had a house or a servant was concerned in the business yet to be brought on, business which could not admit of delay; besides this, while they were sitting under that roof, idly wasting their time in fruitless inquiries, France was busily employed, he feared, in preparing for an invasion of these kingdoms, though he was rather inclined to believe of Ireland; for which the conduct of that house, in the present session, had paved the way, by the obstinate and repeated refusals given to attend to the oppressions and grievances of that country, or to administer any species of relief. [*A cry of order! order!*] He repeated the assertion, and declared that the obstinacy of the house in denying all relief to so oppressed and impoverished a people as the Irish, had thrown that kingdom into a state of despair, and that they were now ripe for any revolution, as they considered they could not possibly change their masters to a disadvantage——After speaking to a great variety of points of less moment, and solemnly declaring he had formed his intention of endeavouring to stop the inquiry, merely from the impulse of his own feelings, and that he had not consulted any minister, or any one man on the occasion, declaring also that he did not then know whether he should be seconded, his Lordship moved, "That the chairman do quit the chair."

Lord *North* said he should not second the motion, although he highly approved of part of it, and thought the majority of the arguments used by the noble Lord solid and justifiable. His Lordship entered at large into his reasons for wishing that Lord Cornwallis might not be examined, and why it was not proper for that house to proceed to a military inquiry. His

Lordship said there was no charge nor no accuser; that he had never heard of any charge, and that the honourable general's own account of his conduct read to the house last Wednesday, was an ample answer to any whispers or libels that had been circulated against the honourable gentleman's character. That he was free to say, he was perfectly satisfied with the honourable general's conduct; and though he did not mean to pass an opinion upon his military conduct, either one way or the other, he made no scruple to declare that he had done his duty in every particular. His Lordship spoke of the delicacy of examining inferior officers as to their opinion of their superior, the commander in chief's behaviour during a war. That it would be putting them under an unnecessary difficulty, and that if the inquiry were pursued ever so far, the result being founded merely on *ex parte* evidence, must be useless to the honourable general, and disgraceful to the house. If there was any intention to charge administration, or any one member of it, with criminality, he was for having the inquiry proceed, though he should expect, and had a right to expect, that the intention was then avowed, and the nature of the charge specified, in order that those charged might prepare the necessary evidence for their defence. If this were not the case, he thought a further pursuit of the inquiry needless. He differed in opinion from his noble friend, that that house was incompetent to inquire into the conduct of persons occupying high offices in the state. In such occasions they acted as a grand national and constitutional inquest; but as to military matters, he should, for one, never consent to have them discussed in that house. The conduct of ministers was a very proper object of Parliamentary inquiry; the wisdom and justice of that house were frequently exercised in such inquiries; but was that principle applicable on the present occasion? By no means. No such intention was stated; the honourable commander who moved for Earl Cornwallis to be called in, neither stated or avowed any such thing. His motion was specific; it was to examine his Lordship to general and particular points. But to what purpose? The honourable general, so far as Parliament was concerned, stood acquitted in the face of his country. No accusation was urged, no reply was made to his narrative. It was a very able defence, and in his opinion a very full and ample exculpation of his conduct, so far as that house was either competent to entertain, or enabled to decide. But more; the honourable general is for going on with

with the inquiry. *Cui bono?* To what purpose? To shew that no farther inquiry is necessary. In this particular he entertained a very different opinion, and drew in his own mind a very different conclusion. Suppose the house proceed; suppose upon the evidence they shouldacquit; follow it then up with another supposition, that many conceived differently from him respecting the honourable officer's conduct. Will any one person of that description be convinced by such a decision? Will it wipe off one stain, or meet one criminal charge urged against him without doors? Not one; he will just stand in his former situation; no man will be a bit more convinced of his innocence than before the inquiry was set on foot. Each man will retain his former opinion, and the house will be drawn away from the discharge of its most pressing duties to no manner of purpose. Is the conduct of ministers then the latent object of this inquiry? It may, when expressly resumed for that purpose; but not at present. Is it intended to try and determine upon the conduct of administration by a side wind, in an oblique indirect manner? If that be the object, let it be declared, let the accuser fairly stand forth, avow his charge, and compel them to answer. When that is avowed, ministers will know the accuser and the accusation; they will know in what manner to make their defence. It was true the noble Lord near him [Germaine], was more immediately concerned in the subject of the present inquiry than he, it being transacted in the department over which his Lordship presides; but so far as the conduct of the war could be the object of Parliamentary inquiry, both he and every other of his Majesty's confidential servants were equally responsible. Their conduct lay open to examination from the correspondence on the table. They did not wish to decline inquiry, but he certainly meant to oppose every attempt to go into any kind of military investigation, either for the purpose of deciding on the conduct of the generals, or as a concealed ground of passing a censure upon ministers.

Mr. *Montague* then acquainted the committee that a motion had been made, "for calling in Lord Cornwallis;" since which another motion had been made "that he do now leave the chair," by way of the previous question; the question he should therefore put was, "that he do now leave the chair." An objection having been started, that the motion made by the noble Lord who spoke first had not been seconded, it was answered from the chair, that it was not

necessary in a commitee, though it was in the house. While the house seemed indetermined what to do, Lord Nugent having not yet consented to withdraw his motion,

General *Burgoyne* rose and said, although the inquiry into the conduct of the noble Lord and the honourable commander should terminate by carrying the motion made by the noble Lord, for dissolving the committee, he trusted, that the justice of the house would give him an opportunity of proving his own innocence. If those commanders stood justified in the opinion of ministers and that house, he stood in a very different situation. He was astonished to hear a motion for stopping the inquiry come from that noble Lord [Earl Nugent], who he really believed to possess in most instances an uncommon degree of candour. His arguments might have had some plausibility when the papers were first moved, but the house, by admitting them, had adopted the inquiry, and in consequence different gentlemen had collaterally given opinions in their places, and reasoned upon and censured many circumstances relating to the military conduct of the war. Part of his conduct now stood arraigned in Parliament. The house would not have admitted these discussions, nor could any gentleman in honour have desired to indulge himself in such a liberty, had they not supposed the censured would have full scope to defend themselves; every man who had delivered sentiments that touched those employed in the war, were pledged in honour to support the inquiry. The noble Lord [Earl Nugent] has said, he did not act in concert with any minister in opposing the inquiry; there could be no doubt of his veracity in that assertion; for the part he was taking was more hostile to administration than any taken by the other side of the house in any part of the session. The honour of ministers was deeply concerned to proceed. They are accused of covering their own defects by the relinquishment or crimination of those they employ, of having adopted that odious, abominable, infatuated system, not only of leaving officers unprotected, but of laying snares in their way to effect their ruin: in these days, it is said, the principle of disgrace is implanted the very moment of their appointment, like that of mortality, which is supposed in the animal system to be coeval with existence: "the young disease grows with their growth, and strengthens with their strength," till, upon the first ill-success in the field, or the first defection in this house, out it bursts, and hurries them to destruction, and they are de-

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livered over to those worse than butchers, the tale-bearers and whisperers, and carriers of detraction, who dissect and mangle them at will, and hold them out a spectacle, *in terrorem*, to teach others more servility. If a multitude of officers, a number unheard of in any former period, have withdrawn themselves from service upon factious motives, to promote private interest, or to bring their friends into power, they are worse than the agitators of Cromwell; they deserve every punishment an injured country can inflict. Let it begin with this house, be inforced by the King's displeasure, ratified by every honest man in the kingdom; let us not pass the streets without marks of resentment, be deemed the objects of detestation, deservedly the outcasts of society.—But if it shall appear that the want of confidence and protection has been as general as there have been commands: that an officer is stated in this house to have all he requires, when he is with-held a third part; that another is made responsible for all blame, because he drew his own plan and instructions, when the minister so stating him knew both facts to be false; that when an officer's conduct falls into question, his own reasons and motives are suppressed, though the minister has them in his pocket. I contend, if these allegations are true, officers are not only justified, but called upon by their duty to themselves and their country, to vindicate their wrongs in the face of power, and let this inquiry be the test between them and their adversaries. He went through a cursory review of the various assertions which he meant to make and to support by proof; and repeated his complaints of being denied an interview with his Sovereign, whose ear was daily poisoned against him. His preclusion from the royal presence was not only effected by insidious pretences, but was unprecedented, though a court-martial had been actually certain. Every captain who loses a King's ship, in fight or by a wreck, is, by the constant rule of the service, to be tried by a court-martial. Was it ever heard of, that an officer in that situation was forbid the court? A recent instance is full in point: Captain Windsor, prisoner to France, and returned upon his parole, cannot be tried upon that account; has not that gallant officer been received at court as he deserved? These examples being so general, make any deviation from them absolute censure: it becomes a manifestation on the part of government to the nation, that the person proscribed is known to be guilty. Let it not be supposed that these complaints originate from a hankering

a hankering after the presence-chamber, upon interested or adulatory motives?——No: to wish the countenance of his Sovereign, when he was not conscious of having deservedly forfeited his pretensions to it; to submit his actions to the royal judgment was not, he hoped, a servile ambition. But chiefly and principally he lamented being deprived the audiences his rank gave him a right to, that he was thereby precluded doing justice to the merits of the army—that gallant army, which deserved so much, but was thought of so little! He feared their attachment to him made their crime. In the profusion of brevet rank lately bestowed, not a single preferment had been given there; the list of colonels, in particular, had stopped with an officer only a few days older than Lieut. Col. Hamilton, who had acted as brigadier, as brave and distinguished an officer as the service could boast: those upon the list between him and where the preferment stopped were upon half pay, except two or three. How satisfactory would it have been to the army to have included his name in that promotion! yet even that small attention was denied. Upon the whole, if the inquiry was refused, let the world see who had refused it—who had pressed it. One measure still remained, viz. to lay before the country at large what he had wished to submit in particular to the delegates in Parliament, the great, the enlightened, and he insisted the proper tribunal in all cases of public interest or national honour.

Lord *George Germaine* denied that he took any particular part in preventing the honourable general from seeing his Sovereign. It was the opinion of the cabinet, not of any individual member of it, that he could not with propriety be admitted to the royal presence, till his conduct had been inquired into. Inquiries were customary on occasions somewhat similar. But the honourable gentleman's case was found to be a new one, not being amenable to any civil or military tribunal in this kingdom; and that was the true reason that his inquiry had not long since been entered upon by a board of general officers. The honourable gentleman had complained greatly of the coldness and neglect shewed the troops under his command, now prisoners under the Saratoga convention; and imputed this neglect, as arising from an ill-will and resentment towards the general. The fact not being so, the reason must stand contradicted. Ministers entertained no ill will nor resentments; nor were the captive troops neglected: so far from it, they had never ceased their

endeavours

endeavours to procure the liberty of those brave men, and to obtain for their country the benefit of their services; and he had this pleasing circumstance to communicate to the house, of the happy tidings that those exertions on the part of administration had at length succeeded; for he hoped and trusted, that at the time he was speaking, the captive army was again restored to its liberty. The truth was, that he had received by the last dispatches from Sir Henry Clinton the following important intelligence:—That the breach of the convention of Saratoga was looked upon by every honest man in America, as well as Great-Britain, to be a most shameful violation of public faith; that the Congress finding that a general clamour began to prevail, and that their constituents began openly to condemn what so nearly affected the national honour, had sent word to the general, to send commissaries to treat upon the terms of the former negotiation, in order that the convention might be finally ratified. As to the order for the honourable general's return to his captive army, he asserted, that the order was framed in cabinet *, and did not originate with him as an individual. His Majesty was there advised to give directions for that order. He did not desire to be understood, that he differed from the rest of his Majesty's confidential servants; on the contrary, he begged leave to repeat what he had so often asserted, that in his opinion the honourable general ought to have returned and shared in the adversities of his army. If he had, he would thereby have rendered captivity easier to those brave men who served under him; and he had every reason to believe, that their enlargement would have been much sooner obtained. As to the question, more particularly the object of the present debate, he perfectly agreed with the noble Lord near him [Lord North], that the opinion of military men, on the motions and manœuvres of armies, was no proper matter to be heard, discussed, or decided upon in that house. But so far as the correspondence on the table

* On the 27th of November 1778, on the report of the address, the noble Lord asserted the direct contrary. He affirmed, upon his honour, he knew nothing of the order till he received it from the secretary at war. He inquired of Lord Amherst, whether it was a resolution of cabinet, who answered him, he knew nothing of the matter, not being consulted in military matters respecting America; he was commander in chief in England only. He received the order from his Majesty, and transmitted it to the secretary at war.

table respected his conduct in the department in which he had the honour to preside, he was ready, on the shortest notice, to enter into his justification; and he could not help observing, that he could not see to what purpose the committee could proceed, unless it were to decide upon the conduct of ministers, so far as their plans had been founded in weakness or wisdom.

Earl *Nugent* consented to withdraw his motion for the chairman's leaving the chair.

Sir *William Howe* observed, that the question for calling in Lord Cornwallis ought to be enlarged, by adding the words, "a general and particular account of the conduct of the American war."

Lord *North* instantly caught the words, and moved an amendment, in nearly the very terms. The motion, with his Lordship's amendment, run thus, "That Lord Cornwallis be called in, and examined relative to general and particular military points, touching the general conduct of the American war."

The chairman, as usual, put the question on the amendment.

Mr. *Fox* said, that the intended effect of the motion was a public avowal of ministers to suppress all inquiry into their conduct. How was it possible to judge whether they acted right or wrong, till it were first known whether their plans and instructions were founded in wisdom, or were in themselves practicable? How could that be known, but by the opinions of officers serving on the spot, who were the best judges how far the plans were practicable, or the force adequate? America was lost; forty millions, and thirty thousand lives had been already expended and lost; the correspondence on the table contained opinions diametrically opposite to each other; the commander in chief says, in his letters to the noble Lord, secretary to the American department, "I want 20,000 men for the ensuing campaign, and I cannot expect to succeed with a less reinforcement." "No," says the noble Lord in his answer, "I cannot let you have so many: I can let you have 6 or 7000. You are going to Pennsylvania, where great numbers will resort to the royal standard; you may by that means recruit your army to the necessary complement." Well, the honourable commander proceeds at the head of a force he deems inadequate; his army is not recruited in the manner foretold by the noble Lord; the operations miscarry. How then can the house judge on this affirmative and this negative? only by knowing from officers of rank on the

the spot, which of the two honourable persons was in the right; he that said such a force was adequate, or he that said such a force was not? It put him in mind of two lines in an old song,

"You know you are in the right,
"I think you in the wrong."

After examining several other passages in the correspondence in the same manner, and demonstrating in several instances a contrariety of opinion, between those who planned and the person who was to execute, he laid it down as the only test to lead to a proper judgment, on the whole of the conduct of ministers and generals, to examine witnesses *viva voce*, to prove to the house who was wrong and who was right. A refusal, on the part of administration, to admit such evidence, he contended was a clear acknowledgment of guilt; they dare not face the inquiry, because they knew it would lead to their conviction; and they now, by the most shameful evasion, and a mere trick of debate, endeavoured to avoid it, under the pretence, the most scandalous pretence, that the house was not competent to receive or decide upon evidence respecting the conduct of military commanders. The noble Lord in the blue ribbon, who had recourse, because he was driven, to this pitiful shift, well knew that the question fairly before the committee was, whether the plans were practicable, or the instructions such as could be defended? Afraid to meet the issue, his Lordship raised an objection, which he knew, if carried by the amendment, would amount to a dissolution of the committee. What did the papers on the table present? A string of contradictions between the general and the cabinet. The minister, at the head of the finances, after several breaches of promise and false predictions, tells that house, that the whole strength of the nation shall be exerted; that 70,000 men, and a suitable navy, shall be the consequence of those exertions. The General and Admiral accept upon those conditions; the men and ships are voted; 70,000 men appear on paper, while little more than half the number of them ever appear in array. America is lost; the General is blamed for not performing impossibilities, and impossibilities previously and timely stated by him; but when a proposition is made, to know which party is wrong or which is right, "No," say the offenders and authors of our misfortunes, "the truth can only be known in one mode, by the means of a particular species of proof, and that we are determined you shall not have." Such was the case of his honourable friend near him, [General Burgoyne.] That gentleman undertakes a certain

a certain service with a certain force; he never gets half that force; he desires discretionary powers; he is refused them. By a letter on the table, he disapproves of employing savages; he is compelled to employ them. The noble Lord who approved of the original plan, who neglected to perform his part of it, who struck out of it the discretionary power desired, who forced savages instead of veteran troops upon the commander, refuses the testimony of military men, for the best reason in the world, because he is convinced, that if military men were to give their opinions on those particulars, they would and must decide against him. The officers who served under his command would, he knew, bear testimony, that savages, independent of the barbarity and horrid cruelty of employing them, were not to be depended upon; that the force was totally inadequate to the service; and that all the difficulties and misfortunes that followed, to the surrender at Saratoga, were imputable solely to the peremptory orders which the General understood himself bound to obey, by the striking out of his original plan the discretionary power proposed, which would have left him at liberty to vary his operations according to times and circumstances. In the course of a speech of considerable length, he introduced a great variety of other matter. He attacked the noble Lord at the head of the American department, and the whole cabinet, respecting their insidious conduct towards the honourable General near him, [Burgoyne.] He called upon the subordinate instruments of administration to stand forth like men, and avow their sentiments. One learned gentleman [Lord Advocate], on the first proposition for a committee, had spoke of the expedition from Canada in very strong and decided terms, and had, without a tittle of proof, censured the conduct of the honourable General who commanded it; the same learned gentleman had, more than a year since, found fault with the operations of the grand army to the southward. An honourable friend of his, near him [Governor Johnstone], had not been backward or shy in publicly declaring his opinions upon both the naval and military conduct of the American war, so had several other gentlemen in that house. He should forbear to lay any stress on the pamphleteers, runners, whisperers, and coffee-house emissaries of administration; they had all received the lie direct from the noble Lord in the blue ribbon. It was now pretty clear that his Lordship was not their employer; but as to those gentlemen, members of that house, *who*, by their respectable situations and independent spirit, *had publicly* avowed their opinions, he expected that they

would

would have the candour to either renounce them from conviction, or maintain them upon those laudable principles on which they had affected to adopt, or were willing still to adhere to them. They were specially called upon to forward the inquiry in its fullest extent, or honestly recant, and subscribe to the creed of the noble Lord in the blue ribbon, "that the noble Admiral and the honourable General had acquitted themselves with the utmost bravery, fidelity, and skill; that the honourable General's narrative brought home conviction to every impartial mind; and that it would be wasting the time of the committee, to no manner of purpose, unless the object of future inquiry was meant to be directed to an examination into the conduct of ministers." If, therefore, the noble Lord should obstinately persist in his motion, he made no doubt but such gentlemen as had censured the military conduct of commanders in their absence, would be the first, if they should not have changed their former opinions, to give an opportunity to those gentlemen to exculpate themselves, and of course vote against the amendment proposed by the noble Lord. He dwelt some time on the great praises bestowed on the commander in chief by the ministers; there was scarcely a letter which did not contain the most flattering expressions. But he mentioned that circumstance only to shew the treachery of one, if not all of them. The noble Secretary, while he was loading the General with encomiums on his zeal, activity, and talents, was secretly undermining him; for the whole correspondence shewed that he never had his confidence. When the General gave an opinion, the Secretary answered him in the negative; he had his spies and informers on the spot; he trusted to their information, not to that of the commander in chief; so that while he made the General responsible for the events of the war, he was, by means as foolish and preposterous as they were base, endeavouring, all in his power, to defeat the very measures he seemed so anxious to carry into execution. He said the noble Lord's amendment went to an actual dissolution of the committee, and an implied acknowledgment of guilt in administration, by putting a stop to an inquiry which they dare not meet; he said, he could not sit down without stating an instance of the grossest folly and absurdity, in which the most palpable art had been blended. They first approved of the operations to the southward; they after that seemed to give a preference to the northern expedition; and before they were acquainted which of them offered the best prospect of success, they give a preference to the southern; and lay the motives of their

refusal to comply with the requisition made by the General for a greater force, not upon the probability, but the certainty of his being able to recruit his army to the desired complement, in the loyal province of Pennsylvania!

Lord *Howe* said, that the accusations made against him and his brother, were not, as had been asserted by the noble Lord who moved that the chairman do leave the chair, and the other two noble Lords in high office, confined to newspaper attacks, to conversations without doors, to the coffee-house runners and emissaries of administration. Their conduct had been publicly arraigned in pamphlets, written by persons in high credit and confidence with ministers; by several members of that house, in that house, in the face of the nation; and by some of great credit and respect in their public characters, known to be countenanced by administration [alluding to Governor Johnstone and the Lord Advocate of Scotland, &c.] One of them in particular [Mr. Johnstone] had made the most direct specific charges, and had in a manner pledged himself to the house to bring them forward, at least to second a motion for an inquiry. Ministers, though their dispatches were filled with the fullest testimony of approbation of their conduct, remained silent, when general censures were passed upon him and his brother in their absence; and, since their return, never rose to contradict them in their presence. They made general answers, that they did not accuse the commanders, but that they were ready to meet an inquiry at any time; yet, the first instant an inquiry into the conduct of himself and the honourable General near him is proposed, they fly from it, and refuse the only means that the nature of the business admits for the discovery and discussion of truth. The noble Lord in the blue ribbon, it is true, passed some commendations on the conduct of the commander in chief; but cautiously qualified them by saying, that though no person appeared to accuse him, it did not follow that he stood acquitted in the opinion of his country. That circumstance wiped off no stain nor crime that he might be accused of; that was the proper business of another tribunal. He joined in opinion with the noble Lord, but he, at the same time, looked upon it to be a most cruel circumstance, to keep a man in a situation where he stood accused before the public, and deny him the means of proving his innocence. The object of the inquiry was, to discover if there was any ground for an accusation of him or his brother. If it should be stopped, they must continue under a load of public obloquy, without a possibility of ever clearing themselves from the various imputations

tions made against them, or they must have their conduct inquired into by a military tribunal.

Mr. *Dempster*, after speaking to the general question, contended, that the present was the first instance known in the annals of Parliament, that a reference of an order of the house to a committee was clogged with an amendment made in that committee. The order of the house was to examine witnesses; the amendment imported a negative to that order, and of course went to a substantial contradiction of the order of the house. Lord Cornwallis had, with the consent of the other house, been ordered to be examined. The amendment, if carried, which was in effect a negative of the main question, and would prove so, would then contradict the order for examining the noble Lord.

Right Hon. *T. Townshend* said, that the conduct of the noble Lordwho moved for the dissolution of the committee, was much more open, fair, and explicit, than that of the noble Lord in the blue ribbon, who, meaning the same thing, was ashamed to avow it, yet by his motion strove to defeat the inquiry as effectually as the other.

Colonel *Barré* desired that the original order for the attendance of Lord Cornwallis might be read by the clerk, which being read accordingly, the order specified, "That Lord Cornwallis be ordered to attend this house on the 29th of April, to be examined on the subject matter of the papers, &c." Here was an express, general order of the house, which, if the noble Lord's amendment should pass, and amended question receive a negative, the consequence would be, that the orders of the house would be sacrificed, in order to screen ministers from punishment; because the order for Lord Cornwallis's examination would be prevented by a resolution come to in the committee.

The *Lord Advocate of Scotland* prefaced his speech with two observations: first, that the house had no jurisdiction whatever, for they could neither condemn nor acquit; secondly, that he should not have spoke at all, were it not for allusions made to expressions which had fallen from him in former debates. He rose to avow those sentiments imputed to him, which he still retained. He said then, that as soon as the grand army went to the southward, he gave up all hopes of success. He believed that to be the case, and that the miscarriage of the Northern army was the cause of all our subsequent disappointments and misfortunes which happened. He then proceeded to answer, in a very distinct manner, such parts of General Burgoyne's speech as related to his justifica-

tion. His chief argument was, that the General looked upon himself to be peremptorily bound to force his way to Albany; but it was plain that could not be, because his correspondence with Sir Henry Clinton plainly demonstrated that he looked upon himself invested with a discretionary power; otherwise he could never have advised with Sir Henry, whether he should attempt to make his way to Albany, or endeavour to effectuate a retreat to Ticonderoga.

Lord *North* made a short reply, recurring to his former argument respecting the incompetency of that house to decide upon military matters. His Lordship answered Lord Howe and Mr. Fox, upon his supposed approbation and acquittal of the honourable commander in chief. He was no judge, nor did not by any means undertake or presume to decide any farther than his private opinion on the papers on the table, which could signify very little one way or the other, uninformed as he was, and unequal as he must be to the task.—There was a legal and proper tribunal, where such inquiries could be legally or properly entertained. The opinion of that house, in favour of the honourable commanders, was a very honourable testimony, but still it was no more. It was no acquittal; that could only be effected by a decision of their peers, in the manner and by the mode which the constitution had prescribed. As far as he could venture to pronounce, no such inquiry was necessary; but if the parties concerned [Lord and General Howe] should press for it, he made no doubt that they would be found to have performed their duty like able and gallant officers.

Sir *Edward Astley* spoke for the inquiry, contending that it could not be defeated, without being guilty of the most manifest injustice.

Colonel *Onslow* said, he was one of the persons alluded to by the honourable gentleman [Mr. Fox] who spoke some time since; and, as he was called upon, he rose to avow his former opinions, that going to the southward had been the cause of the misfortune which happened at Saratoga, and the miscarriage of the American war. Nay more, he was not unwilling to affirm, that the war might have been crushed in the first instance, if, on the day the rebels had been defeated on Long Island, the 23d regiment of foot and the grenadiers of the army on the right, under that very gallant and distinguished officer, Sir Henry Clinton, had not been prevented from forcing the enemy's lines. He was an honest man; he would speak his mind; he was a whig; and if an inquiry should

should take place, he hoped it would be instituted before a proper tribunal.

Sir *William Howe* said, he thought the honourable gentleman had been rather premature in his observations, and contradictory in the conclusion. No proof relative to the fact was before the committee. The honourable gentleman said, the house was not competent to inquire and decide; and yet, as an individual of that body, he ventured to decide upon his conduct. He assured the honourable gentleman, however, that he was grossly misinformed; and that as such a direct charge had been made in that house, he thought it an additional reason that that house should investigate it, and see whether it was well or ill-founded.

Sir *William Meredith* contended, that there was not a possibility of separating the two objects, the conduct of ministers and of military commanders. The former could not be judged, without knowing how far their plans were or were not practicable; nor the latter without knowing and measuring the means which had been put into their hands. He spoke likewise to the point of order, and lamented that the particular situation of any set of men should oblige them to employ their influence over the house, in such a manner as to make a surrender of their own privileges; and instead of order and regulation, introduced by so ill-founded a precedent, in their place, what must be inevitably introductory of anarchy and confusion.

Sir *George Savile* promised administration, in case of a successful division, that they would be welcome to his vote to totally dissolve the committee; for, in his opinion, any farther investigation would be to no purpose. He spoke very fully, and laughed at the flimsey pretence of the noble Lord in the blue ribbon, who supposed that the present was a military inquiry or trial; whereas his Lordship knew that the object in view was, whether the evidence to be delivered at the bar was such as might render a military inquiry necessary.

Mr. *Burke* said, the noble Lord in the blue ribbon would not accuse; the other noble Lord, the American secretary, would not accuse. What a ridiculous farce it was! Had not a learned gentleman, daily making rapid strides to the primate of ministerial favour, accused, and with great candour, specifically accused? It is true the learned gentleman had charged his side of the house with want of reason and argument; the charge might be true, but of all persons in that quarter, he expected such a charge least of all from the

learned gentleman; because, with candour and openness, and in a direct career to his point, he never knew an honourable gentleman clog or intangle himself less with either reason or argument.

General *Conway* called upon ministers to declare whether they denied the competency of the house to institute or proceed upon such an inquiry? He dared them to the assertion; and protested, during the thirty years he had sat in Parliament, he never saw so gross an attempt to violate the inherent and constitutional privileges of that house; whether in respect to the breach of order, or, which was of infinitely greater consequence, the denying that that house had a right of inquisitorial jurisdiction over every department in the state, every establishment, civil, military, and criminal.

The question was put on Lord North's amendment, and the house divided; ayes 189, noes 155.

The debate recommenced on the main question.

Colonel *Barré* moved, in the very terms of the order of the house, "That Lord Cornwallis be called in, and examined respecting the subject matter of the papers referred to said committee." The Colonel said that the committee could not, without a direct violation of the established and incontrovertible usages of Parliament, contradict, by a vote in committee, an order of reference made to it by the house.

But nothing new was offered, and the house, after about half an hour's discussion, divided a second time; ayes 158, noes 180.

Lord *North* said, that the house could not, consistently with justice and the nature of the constitution of such an assembly, hear or determine upon military matters, the proper cognizance of which could only be decided upon by professional men.

Mr. *Fox* disapproved of every thing urged by the noble Lord. He brought the whole controversy to this issue. The commanders have done their duty; they want to prove it. Ministers are conscious of their incapacity and guilt; they attempt to evade; they shrink and fly from the inquiry, conscious, that if gone into, it must terminate in their dismission and consequent punishment.

Mr. *Burke* instanced a great number of particulars where the commanders had been blamed, that called for the evidence of military men, in order to ascertain the truth, not of the propriety of military manœuvres of a regiment, a column, a detachment,

a detachment, or even the manœuvres of the whole army, but respecting points merely deliberative and political; such as, whether it was better to attack Washington, when strongly posted in the Jersies? To go up the North River, or to go to Pensylvania? To push the provincials at Long Island? Whether to stop farther pursuit at the White Plains, &c.? These were matters, none of which could be decided upon, without taking the opinions of professional men on the spot, who knew the country, were informed of the nature of the resistance expected to be made, and the real motives which gave, or did not give, the preference to the measures adopted on those several occasions. To stop such information, therefore, by a vote of that house, was, in fact, stopping an inquiry into the conduct of administration; for, if the commander had acted right, it followed that the measures of policy were dictated by weakness and ignorance, and now attempted to be covered and screened by the most shameful and criminal evasion and imposition.

Sir *George Yonge* spoke to the order of the house, and expressed a mixture of contempt and pity for the situation the noble Lord had been forced into, by venturing to stake his credit and character, in support of a set of men in office, who had rendered themselves utterly despicable and detested even by a majority of that house.

Lord *North* felt Sir George's expressions very sensibly; and said he appealed to the house and the public for the justification of his conduct, and the rectitude of his intentions.

The question was put upon Colonel Barré's motion, and was negatived without a division.

April 30.

Order of the day to go into a committee on the judges' salaries.

Sir *George Savile* took the lead in the business, and having acquainted the house why he thought it expedient that an augmentation should be made to the judges' salaries [particularly those of the English judges], moved, that the several accounts of the net salaries and perquisites of the twelve English judges might be read, which being done, an account of the annual incomes of the Welch and Scotch were also read.

This brought on a debate, confined chiefly to Sir George Savile's motion, "That the sum of 3600l. be granted to his Majesty, in order to enable him to augment the salaries of the nine puisne judges of England."

Mr. *Grenville*, after professing a sincere regard for that most respectable and learned branch of the law, declared, it was chiefly from the principles of public œconomy, instilled into his mind by his father, and his sense of the duty he owed his constituents, that he felt it incumbent on him to oppose the motion of his honourable friend; this, he said, was not a time for such augmentation, and, as he saw no just ground for the application, he thought it would be very indelicate in him to distinguish any particular set of learned gentlemen as more worthy than the rest; he should therefore, in the first instance, vote for giving a general sweep to the question at large, by moving for the chairman to leave the chair. Mr. Grenville stated the salaries of the different judges as follow:

	£	s.	d.
Chief Justice of the King's Bench, clear of all deductions, per annum - -	4000	0	0
Chief Justice of the Common Pleas, clear of all deductions, per annum - -	3000	0	0
Places in the gift of each (generally sold) per annum - - - -	1500	0	0
The Salaries of the Puisne Judges, clear money - - - -	1600	0	0
Welch Judges, according to their abilities at the Bar, and a Salary of 800l. per annum.			
Scotch Judges, *quantum suff.*			

A motion was then made that the chairman do leave the chair.

Mr. *Townshend* seconded Mr. Grenville, and highly commended the noble and independent spirit of that gentleman; he called it one of the boldest parliamentary steps he ever knew to oppose the wishes of so many lawyers and friends of the law to their faces. His opinion of the impropriety of the propositions at this time, was the same as his friend's, but he threw a new light upon the subject. He called upon the ministers, if it was necessary to encrease the salaries of the judges, it ought to be done out of the civil list, and not out of the public purse; but the minister, he said, was œconomic, when any thing was asked from the civil list, as he was lavish of the public money.

Sir *George Yonge* acknowledged his intention of voting for the augmentation when he came down to the house, but said he now really thought the reason given by the two gentlemen were unanswerable; he should, therefore, most heartily join them in opinion, especially upon recollection, that whenever a vacancy happened, in either of our courts at Westminster-hall, or an appointment to a Welch or Scotch judgeship, the

canvas

canvas among their friends was as eager as to an archbishopric, which sufficiently proved that the goodness of the salaries was a very desirable object.

The Lord Advocate, the Attorney General, and others, spoke in favour of the augmentations; the question was put again to leave the chair and report progress.

Question to leave the chair put, and carried in the negative; after which the main question was put and agreed to. Another conversation then took place; another motion was soon after made, "That the chairman do leave the chair and report the resolution to the house." Question was put, and the house divided.

Tellers Mr. Grenville and Mr. Dempster; ayes 33, noes 50.

A motion was next made, and the question put, that the sum of 500l. be granted to his Majesty, to enable his Majesty to augment the salary of the chief baron of the court of exchequer; a few members spoke in favour of this motion, begging the house to consider that there were no places of consequence in the gift of the chief baron, as had been alledged as a reason for not augmenting the salaries of the two other chiefs; and his character, for ability, honour, and integrity, was well known to the house; they, upon that ground, agreed that the motion was fair and reasonable, and therefore voted accordingly.

Another motion was then made, and the question put, "that the chairman do now leave the chair," and the house again divided.

Tellers Mr. Townshend and Mr. Rice; ayes 40; noes 39.

The following resolutions were come to by the committee:

1st. That it is the opinion of this committee, that the sum of 3600l. be granted to his Majesty for augmenting the salaries of the puisne judges of the court of king's bench, common-pleas, and barons of exchequer, being after the rate of 400l. per annum to each.

2d. That it is the opinion of this committee, that the sum of 500l. be granted to his Majesty, as an augmentation of the salary of the chief baron of the court of exchequer.

Adjourned to May 3.

May 3.

This day, as soon as the private business was over, Colonel Barré repeated his motion of April 29, which, he observed, had been negatived without a division. It was conceived in the terms of the ord r of the house, made before the Easter

recess, for a message to be sent to the House of Lords, desiring that that house would give leave to Earl Cornwallis, one of their members, to attend a committee appointed to take into consideration the subject matter of the American papers. In consequence of this order, he said, his Lordship had, with the consent of the house of which he was a member, complied with that order. He was in waiting the last day the committee sat; but as soon as the committee was formed, a motion was made by a noble Lord over the way [Lord Nugent], that the chairman do leave the chair, which, in fact, went to a direct dissolution of the committee, and was, of course, an avowed declaration on the part of the noble Lord, that no such inquiry ought to be farther proceeded upon. This was open and explicit, on the part of the noble Lord, so far as it referred to the nature and object of the inquiry itself.

Another noble Lord, who meant exactly the same thing, but who had not the courage to avow it, pretended to disagree with his noble friend. "No," says the noble Lord in the blue ribbon, "I will not second the noble Lord who has moved for the dissolution of the committee; we ought to have an inquiry, there ought to be an inquiry into the conduct of ministers, but it shall be on a specific charge, and no evidence shall be received respecting military matters;" that is, you may inquire into any thing but the subject matter of the papers; the papers, so far as they apply to the conduct of the war, solely respect military matters—the committee may, however, proceed upon any subject they please, but what they were expressly convened to inquire into.

Having shewn what he called the fallacy and absurdity of such language, he entered into a short narrative of what passed in the committee the last night, and shewed, by arguments such as these, the noble Lord had been able to defeat the inquiry much more successfully than if he had supported his noble friend in his motion for the chairman's leaving the chair.

He did not mean to enter into a discussion, how far the noble Lord's arguments were or were not justifiable; the object of his intended motion was merely to support the order of proceeding. The order, as above stated, was for the attendance of Lord Cornwallis; when this order came to be carried into execution, the committee refused to obey what the house had previously determined. He did not, it was true, take the sense of the house regularly by dividing it; but from

from the fate of the two other questions, which amounted in substance and effect to the same thing, and from the general and evident complexion of the house, he avoided a division to prevent unnecessary trouble. It was then a very late hour; the committee was fatigued; the question had been artfully entangled, and buried in subtilty and extraneous matter, &c. He could, therefore, easily make allowances for honourable gentlemen being misled into a resolution, to which they would not have consented in a cooler moment, after having time to reflect. The dignity of the house, the order and rule of its proceedings, and its credit and reputation without doors, were the motives for his present trouble. Every individual member of that house, the house itself, and the public at large, were essentially concerned in the question. He therefore begged leave to move, "That Lord Cornwallis be called in and examined, touching the subject matter of the papers on the table, respecting the conduct of the American war."

Mr. *Dunning* seconded the motion, who said he had not been present at the former debate, in which the motion now made by his honourable friend had received a negative. It would be therefore understood that he did not rise to speak to the merits of the question, but merely to the point of order. It might be competent to the noble Lord to move an amendment to the motion as first proposed, or it might not; it might be very proper to prevent witnesses to be heard respecting military points; but, being absent on particular business, it was not fit for him to presume to determine one way or the other; he only rose to the point of order, and he should not offer a single syllable respecting the propriety or impropriety of receiving military evidence, till, by rescinding the resolution come to in the committee, he should make his way fairly to the main question.

In the beginning of April, the house, in the exercise of its authority, ordered, on the necessary conditions usual on such occasions, that Lord Cornwallis do attend, in order to be examined touching the subject matter of the papers then lying on the table. The papers are accordingly read, and when a motion is made for calling in the noble Lord, the committee says, "No: it is true we have been appointed by a power competent to direct and controul our proceedings, but we will not obey; we will not examine Lord Cornwallis."

The

The point, therefore, which the house was called upon to decide was simply this: Shall the house controul and direct a committee appointed by itself, or shall the committee controul and direct the house?

He hoped he had stated the matter fairly before he sat down; however, he recommended to the house to seriously consider what would be the consequence of giving a negative to the motion proposed by his honourable friend; in his opinion nothing short of a total subversion of the law of Parliament, so far as it respected the proceedings of that house, and the introduction consequently of disorder and confusion.

Lord *North* said, as to the point of order, he was apparently not prepared to speak, for his argument was this, that committees of the whole house, and the house itself, were almost analogous, and their powers coextensive; so that in reality the difference between the orders of one and the resolutions of the other, substantially imported the same thing. They were, on questions of importance, equally well attended; the difference, in his apprehension, was little more than whether the speaker was in the chair, or whether one of the members presided *pro tempore* in his place. As to the point of order, therefore, which was the only objection stated by the honourable gentleman who made the motion, or his learned friend who rose to second it, he heard nothing urged sufficient to induce the house to rescind or contradict the resolution of the committee.

The learned gentleman who spoke last acknowledged he had not been present at the preceeding debate; it might be the case of several other honourable members; he would, with the consent of the house, state the transactions of that evening; for, in fact, though the motion made by the honourable gentleman professed nothing more than the restoration of the order of proceeding of that house, the event would involve in it a question of the first importance.

The order for the attendance of Lord Cornwallis was the point from which the mistake originated. It was worded in the customary manner, by way of message to the other house, which prescribes the terms in which the message ought to be worded, wherein the reason and object of the application must be set forth; first, that the other house may be informed of the matter to which one of their body is to be examined, in order to judge of the propriety of the request; secondly, that in case the house should give leave, the noble

Lord

Lord whose attendance is called for, may be at liberty to attend or refuse.

This was the original cause of the present embarrassment; the other witnesses ordered to attend had a common order of attendance served upon them; which plainly shewed, that the house made no specific order to examine Lord Cornwallis to the subject matter of the papers, farther than they were obliged to comply with the forms of communication, established on such occasions between both houses.

Having laid down this, as the basis of his future arguments, his Lordship proceeded to shew the impropriety of examining witnesses to military points. The object of the inquiry, at least the professed one, was to inquire into the conduct of two military commanders of high rank and great reputation. Papers respecting the conduct of another military commander [General Burgoyne] were likewise moved and ordered, and, he thought, very improperly, because that gentleman was at present in a situation which prevented, in his opinion, any inquiry into his conduct; for if censurable, he must be acquitted; nor indeed could he be brought before any military tribunal whatever, till freed or released from the terms imposed upon him by the convention of Saratoga. But to return. The honourable general entrusted with the command in chief in America moved for and instituted the inquiry himself; he moved for the attendance of certain witnesses. Without debating the point at present, as to the competency of the house to inquire into military matters, he should only observe, that the evidence must be *ex parte*, and could never be deemed by any rule of reason, common sense, or regular proceeding, sufficiently full and conclusive to acquit the honourable general. It might furnish a good ground for belief or persuasion, but from the nature of the evidence, as well as the manner it would be delivered, no man in that house, or without doors, could lay any other stress or give it an higher degree of credit, than what *ex parte* evidence was entitled to in the first instance, and what testimony, not delivered upon oath, was entitled to in the second. So that taking the competency of the house, as a ground of proceeding perfectly applicable to the subject matter of the inquiry, such evidence as that described could not operate to the conviction of any man. If the honourable general should be censured by a vote of that house (which, he hoped, would not be the case) it would not change a single opinion entertained by those who at present think favourably of his conduct;

conduct; should he be, on the contrary, honourably acquitted, every person (he believed they were very few) would retain their former sentiments; taking the event of the inquiry, therefore, either way, he saw no possible good such a proceeding could answer.

For his part, he thought, and believed he ever should, that that house was a very improper place in which to have the conduct of military men inquired into. When occasion made it necessary to examine how far military men had or had not performed their duty, he looked upon a court martial to be the only tribunal where the party accused could procure substantial reparation for his injured honour; and where, in case of failure and neglect, the justice of the nation could be legally or constitutionally satisfied: there, and there only, the nation or the injured officer could obtain or regularly seek such legal and substantial justice.

If, on the other hand, under the appearance of inquiring into the conduct of military officers, it was intended to bring charges of neglect or incapacity against ministers, it was in his opinion a very unfair mode of proceeding.—The honourable general, as far as that house were competent to determine, had justified his conduct by the correspondence on the table. The house were almost unanimous in that respect.—If a few individuals entertained different sentiments, those sentiments were precluded by a very great majority, who declared themselves perfectly pleased with his services. But he had no right to presume there were any of that description; because no accusation had been made, not a single charge specified. What then were or could be the motives for urging the present inquiry, unless the object was ultimately intended against ministers?—But as yet no man had avowed that.

If any such intention was in contemplation, he had a right to say, he was ignorant of it, because no one person had declared that he meant to do so. He allowed, that the house was competent to inquire into the conduct of ministers. It had an inquisitorial power; they had a right to inquire into, to censure, but not to punish; so far he was ready to acknowledge; but he trusted their conduct was not to be decided upon by the evidence of military men: he believed it was not, when that evidence was professedly given on military measures, which they neither planned or executed.

If, however, any specific accusation was made against ministers, as one of his Majesty's confidential servants, he was ready that instant to have witnesses called to the bar, provided the

the matter on which the witness was to be examined was previously stated, and was such as directly and specifically pointed to any one particular measure of administration.

On the whole, he concluded that the established order and rule of proceeding of that house had not been violated; that if even the committee had exceeded their powers, which he was convinced they had not, it was to prevent an inconveniency of much greater mischief and extent; and, that such being his sentiments, in every point of view the question presented itself to him, he must adhere to his former opinion, and of course meet the honourable gentleman's motion with a direct negative.

Right Hon. *T. Townshend* replied very fully to the noble Lord, said, he was astonished at his total want of memory. Was the noble Lord asleep on every occasion in that house, when the most direct and specific accusations were made against the honourable general, and his noble brother the vice admiral? Was his Lordship asleep, when the noble Lord commanding the squadron in America was impliedly censured by an honourable friend of his [Governor Johnstone] for returning to New York, with an equal force, and thereby permitting D'Estaing to escape from him into Boston? Did the noble Lord forget the direct charges, made by the same honourable gentleman against the commander in chief, for going to the Southward, instead of favouring another general's operations from Canada? Did the noble Lord not hear the very last night, a learned gentleman near him, high in his Lordship's confidence [Lord Advocate of Scotland], avow his former sentiments, respecting the general's retreat from the Jersies, and his going to sea instead of forcing his way to Philadelphia by land? In short, was there hardly a debate in that house of any consequence during the session, in which some direct or implied censure had not been passed on the honourable general or his noble brother?

What then could the noble Lord mean? Was he in earnest when he made such assertions? or did his Lordship and the other noble Lord near him, the American secretary, intend to shield themselves from the consequences of their own miscarriages and incapacity, under general loose expressions of approbation of the conduct of the honourable general, while they were secretly endeavouring to whisper away his reputation, and to represent him and the other honourable general as the real authors of all our present national distress, and of the loss of America? Were not the runners of administration, their

their tools and emissaries, in that house and out of it, constantly employed in this dirty, treacherous and insidious occupation?

Were not a whole legion of newspaper writers and pamphleteers in constant ministerial pay, for the effecting this base and assassinate purpose? For his part, there was not a week but some scurrilous pamphlet, composed of a mixture of plausible reasoning, pompous expressions, misrepresentations, and artful invectives against the conduct of the commander in chief, was left at his house.

The authors were known, and were known to be under the wing of government; paid and caressed, placed and pensioned by them; one, in particular, no less distinguished for his spirit of adventure, than his various services, he meant a worthy northern baronet, who occasionally acted in the character of judge, historian, pamphleteer, and recruiting officer. Such were the men, such were the means, employed to blast the character of great and meritorious officers;—such were the affected language and insidious arts of administration. They basely endeavoured to effect in private, what they dare not own in public. They heaped commendations in that house on the honourable commander in chief, while they exerted every effort, by indirect means, to disrobe him of his honour and reputation out of it; and permitted daily, without contradiction, or even pretending to support their own opinions, accusations to be made against him, in the face of the nation.

After putting these several facts in various points of view, and concluding, that the inquiry ought for these reasons to be proceeded upon, he spoke a few words to the point of order, in which he laid it down as a clear indisputable rule of proceeding in that house, that a committee was always bound by the order of reference made to it; otherwise there would be two contradictory powers and clashing jurisdictions in the same body, a doctrine too absurd and monstrous to be heard with patience, or listened to. A great part of the business of that house was transacted by committees, particularly by committees of the whole house; if, therefore, it should be adopted as parliamentary law, that what the house entertained in one instance and referred to a committee, was so far controulable by that committee, as that the latter had an option to disobey the order of reference, all business would be at an end; and as often as circumstances afforded a pretence, the proceedings of that house would be involved in endless confusion and contests with itself. He spoke to several other particulars; and begged before he sat down, that the house would

would seriously reflect and consider how fatal it might prove, if it did not preserve a proper controul over its several constituent parts. He observed besides, that it would be treating the other house with contempt, to send a message for leave to examine one of its members, to the subject matter of certain papers then before a committee, and for the consent of the member himself, and yet, after both requests were granted, refuse to hear him.

Sir *Grey Cooper* spoke to the question of order. He contended that the order of the house and the sense of the committee, were by no means incompatible with each other, or contradictory; that the committee was still in being, and had reported nothing; that it might report its reasons to the house, why Lord Cornwallis could not be examined; and that consequently, either in point of form or substance, the committee had not exceeded its powers.

Earl *Nugent* declared himself in favour of the proceedings of the committee. He never heard, till upon the present occasion and the other night, that a committee was bound to literally obey the order of the house, or to report, if they did not think proper. His memory did not at present help him to any particular instance to support his opinion; but if the Journals were searched, he made no doubt but a great number of precedents would be found in support of his doctrine. He recurred to his arguments of the preceding Thursday; said that matters of great consequence were yet to be brought into Parliament; that the attention of ministers would be drawn not only from them, by distracting it with such a variety of objects, but that the very being and preservation of the nation, from the hostile attacks of a powerful foreign foe, must be neglected, while the whole time of ministers was spent in that house, upon a fruitless inquiry; which, let it terminate as it might, could answer no other purpose, but that of laying the foundation of greater embarrassments, and the giving a superiority to our enemies, which they were unable to obtain by any other means. He sincerely believed there was not a single person in that house who wished any such thing; nor one who saw the proceeding upon the present inquiry in the light that he did, who would join with him in a vote for its dissolution. Besides, though the particulars mentioned by an honourable gentleman who spoke lately [Mr. T. Townshend] had been exactly as stated, he never could be persuaded that the particular feelings of any man or men, for their personal honour, afforded ground sufficient for risquing the safety of the state, to the gratification of those

those feelings, be their rank, character, or public stations ever so respectable. He was always against inquiries, as long as he knew any thing of Parliament; he was frequently a witness to their baleful and pernicious effects. He was against the late inquiry into the conduct of his honourable friend, the admiral of the blue [Mr. Keppel]. He was against the inquiry into the conduct of the noble Lord, the vice-admiral, and the honourable commander; and so much so, that he would sooner, if the matter came fairly to be weighed, between the interest and honour of the nation and the interests and honour of his old and intimate friend, the admiral of the blue, sooner consent to have his feelings hurt, than hazard the most essential interests, perhaps risque the fate of this country, in order to have them satisfied.

Mr. *Fox* answered that part of the noble Lord's speech which rested the impropriety of the present inquiry upon the supposed interruption it would give his Majesty's confidential servants, in planning and executing measures for the good of their country. He believed that the noble Lord, and every other person in that house who had the honour or interest of his country at heart, were perfectly convinced that they had very strong and cogent reasons to lament that the present ministers had ever planned or ever executed. It would have been a most fortunate circumstance for the nation, that the noble Lord in the blue ribbon, and the noble American secretary near him, had been in the situation supposed by his honourable friend; that they were asleep in that house or out of it, the day one or both of them planned this accursed American war; that they had been embarrassed with debates in that house, while they were deliberating upon measures of ruin, folly, and national disgrace. He believed in his conscience, that it would have been happy for their country that they had never been born.

But surely, the noble Lord is not serious in the motives he has assigned for putting a stop to the present inquiry? Does his Lordship pretend to believe or foretel, should the present inquiry go on, that ministers will be less indolent, less incapable, or regardless of the public concerns. His Lordship is better informed; experience has long since convinced him of the contrary. He secretly smiles, when he talks in this strain. The reasoning built on such a supposition, is indeed highly laughable, and can make no impression on those who hear the noble Lord rise in that house and gravely urge such an argument, but to excite sentiments of mirth and good humour; for instead of being in town, when effective measures, directed to vigorous

rous exertions, and a proper employment of our national strength and resources, ought to steadily engage their attention, the two noble Lords and the rest of their brethern in the cabinet will fly from their fatigues of this office; they will be amusing themselves at their country seats, for weeks, perhaps months together; and the great business of the nation will be left to the care of a few clerks in office; or if they should, in their respective retreats, turn their attention at all to public affairs, it will be only to devise means, not for the defeat of their enemies, but to defeat inquiries into their blunders, incapacity, and neglect in Parliament. The last summer, in particular, when the very fate of this country was at stake, when we were threatened with an invasion, he was well informed, that, for weeks together, there was not a single cabinet minister so near town as fifty miles; but, if they had been nearer, was it not preposterous and ridiculous, and impossible to suppose that persons who were to consult, deliberate, and determine by common consent only, could consult, deliberate, and advise their Sovereign, when they were thus separate? If any man could suppose that any good could proceed from such counsels, he pitied him, if he was sincere; if not, he would forbear to give his opinion of the principles of such a man.

He then stated the necessity there was for going into an inquiry. The noble Lord in the blue ribbon had repeatedly staked himself to that house on the issue of the American war. He had called for a large fleet and numerous army; they were granted; but America was lost, twenty-five thousand lives had been thrown away, and upwards of thirty millions of money had been expended. But, to come directly to a later period, the other noble Lord at the head of the American department, when he came into office, had specially pledged himself to that house, not merely to a general promise of success, but afterwards, in different stages of the business, pointed out the means. Such an army under Sir William Howe; such an army under General Burgoyne, from Canada, to cooperate with the grand; the people in the colonies were loyally disposed; Washington could not recruit; he had offered thirty pounds a man, but he could procure none to enlist even upon such exorbitant terms. Sir Guy Carleton would have a force under his command sufficient to protect and defend the province of Quebec; and afterwards the expedition down the North River would consist of a chosen corps of veterans of 12,000 effective men; besides the great advantages which would be derived from the assistance and friendship of the Indians, in the neighbourhood of his in-

tended route. When questioned upon the great line of public measures, (having declared his intention to breathe a different spirit into those which prevailed when he was called into his Majesty's councils,) what force he meant to employ? his answer was, "Whatever force the General thinks may be adequate." After the first campaign, when asked what appearances of success there were? his Lordship answered, "Every appearance of a successful and decisive campaign." Now, if neither the force was adequate, and his Lordship knew that he could not expect a successful campaign, it will follow that he not only deceived the General and concealed his sentiments, but, by so doing, he acted a most criminal part, and is responsible to that house and the nation, for all the blood and treasure we have already spent and thrown away. What is one of the objects of this inquiry? To hear the evidence of men on the spot, in high command; to shew, in the first instance, that the General was not culpable, because his force was not adequate, and that the noble Lord deceived the house, because, when he told them that he had every prospect of a successful campaign, he had a letter in his pocket from the General, telling him, "that no successful campaign, nor an end to the war, could be expected, unless the noble Lord sent out a very considerable reinforcement to his assistance," which reinforcement, at the time he promised a successful and decisive campaign, he was predetermined not to send.

The evidence contained in the papers went directly to those facts. The noble Lord's correspondence shewed that he entertained opinions diametrically opposite to those stated in the General's letter. How then was it possible to come at the truth, without examining those who were in high command, and were present on the spot? The testimony of Lord Cornwallis was necessary to prove the truth or fallacy of those contradictory assertions. He could describe the country, the obstructions and difficulties the commander in chief had to contend with. In fact, he and his brother officers, so far as their testimony applied to the force requisite to insure a successful campaign, were competent, and the only proper evidence to determine the opinion of the house on the measures of ministers, and the means they furnished for carrying them into execution, and of the possibility or impossibility of executing them.

General *Burgoyne*, in answer to the two noble Lords [Nugent and North], who spoke on the other side, entered into a detail of the inquisitorial powers vested in that house.

The

The noble Lord in the blue ribbon had acknowledged that the house was competent to inquire into certain points and for certain purposes; that is, had a right to inquire into the conduct of ministers, but not of military men; of measures of state, but not of their execution.

This acknowledgment, in his apprehension, amounted to just nothing; for, if the end of the inquiry presented a complex object, respecting measures of state and measures of execution, either of which it was impossible to judge of, but through the medium of the other; then the conclusion was demonstrably clear, that the conduct of ministers could not be decided upon, without knowing how far their military plans had been well or ill executed; nor, *vice versa*, could those plans be judged of, without being first informed how far their plans had or had not been practicable. This was the light the matter struck him in, nor did he see how it was possible to avoid the alternative; consequently the noble Lord's argument, taken as relative to one great transaction, was a substantial negative upon the whole of any further proceeding in an inquiry into the conduct of ministers and generals; and his acknowledgment of an inherent inquisitorial power being vested in that house, amounted to the acknowledgment of a power which was never to be exercised; or, if exercised, could not be directed to any substantial purpose; because, if the house had no right to call for the necessary proofs, on which only it could determine, it was all as one as saying that it should not determine.

The other noble Lord [Nugent], had been more fair and open; his Lordship denied that any such inherent power existed; he avowed directly, that the house had no right to inquire into military matters, to effect a civil purpose, or any purpose; and pushed his argument still farther upon the principle thus avowed; for when, by referring to former inquiries, he seemed to allow that they were founded in precedents, he drew an argument from the implied fact against the propriety of exercising such a power. His Lordship said, he never knew any benefit derived from inquiries, as long as he had sat in Parliament; they might be productive of great mischief, they could be productive of no good.

The question, so far as those arguments applied to parliamentary inquiries, was this: has such an inquisitorial power existed coeval with the constitution?

To prove that such a power was vested in the House of Commons, he begged leave to state to the committee a few instances in support of his doctrine, from the records on the

table, the journals of that house. He should not go into remote periods of our history, to shew that his doctrine was well-founded.

He believed there had not been a single Parliament, since the reign of Queen Elizabeth, in which some such power as that now contended for by him, had not been exercised, in some shape or other. It was frequently exercised during the reigns of the Stuarts, particularly in that of Charles the Second. The pensioned Parliament of that prince had, in the year 1667, inquired into the miscarriage of the Dutch war, the burning of our fleet at Chatham, and the cause why the victory obtained by the Duke of York, afterwards James the Second, was not more complete and decisive.

Early in King William's reign, before that prince was seated firmly on the throne, an address to the crown was presented, in order to inquire into the causes of the defeat of the English fleet under Lord Torrington, at Beachy-head.

In a few years after, an inquiry was set on foot, relative to the conduct of the war in Ireland.

Even after the glorious victory gained at La Hogue, by which the marine power of France was broken, an inquiry was ordered to be made into the behaviour of some of the officers in that action.

In Queen Ann's reign, the affair at Malaga and the conduct of the war in Spain, were made the subjects of inquiry.

The same spirit prevailed in that house, relative to the miscarriage in the Mediterranean, in the year 1748, under the command of Mathews and Lestock; and such was the exercise of the inquisitorial powers of that house, in relation to the conduct of the late Admiral Byng.

Every one of these were military inquiries, properly so called; and were likewise applicable to the conduct of ministers.

If then the inquisitorial power of that house was undeniably proved by the precedents referred to, no doubt whatever could arise, but two: first, whether it was proper to exercise it in the present instance? secondly, whether it was proper to use it in any instance?

The noble Lord in the blue ribbon was of opinion, that it was not, so far as it respected military points; the other noble Lord was of opinion that no inquiry should be had in that house, which was at all relative or connected with military matters.

Having proved that the house had the power contended for, he observed that there was only one question more to be

be decided, and that was the question before the house. Has this been an improper power, improperly exercised? and as such, shall we from this day foward divest ourselves of it? If it should be the opinion of the house that it was, all argument was at an end; or is there any circumstance moved in the present inquiry, which may take it out of the general rule, and make it an exception? He believed, except the noble Lord who spoke last [Earl Nugent], there was not a person in the house who would contend for the first; and as to the second, he had not heard a single argument to shew that a suspension of this inquisitorial power ought to be adopted on the present occasion.

Here he begged leave to enter into an examination of the cause and object of the present inquiry, so far as it affected himself, or might affect the noble Lord at the head of the American department.

That noble Lord had planned an expedition from Canada, in order to favour and co-operate with the grand army under Sir W. Howe. The execution of that plan fell to his share. Being called upon for a plan, he delivered one to the noble Lord. His Lordship, after considering it for some time, returned it; and struck out the discretionary power he reserved, to act as times and circumstances might require. The force proposed by him was considerably reduced when he received his plan; and, reduced as it was, he never had above two-thirds of the force promised by the noble Lord, under his command, and the discretionary power being struck out of it, the instructions were peremptory to make his way to Albany.

Under this plan he acted, because he thought it was his duty to obey, and proceeded to carry it into execution. The consequence of which was, after encountering a great number of difficulties, arising from his force being inadequate, he was at last compelled to surrender to the enemy at Saratoga.

How then did the matter rest between him and the noble Lord? The noble Lord contends that he did not act under peremptory orders; that his force was adequate to the service he was to perform; and that consequently the miscarriage lay at his door. This was a fair state of the question, he believed, and was a very proper matter for the house to determine upon.

If the present committee was dissolved, is it not plain that ministers shrink from the inquiry? The only pretence or colour they urge is, the commander in chief's [Sir William Howe] conduct cannot be the subject of

any inquiry in this house, because there is no accusation made against him; though the house was competent to inquire, his own conduct cannot be inquired into, because he cannot be tried till released from his military engagements to the rebel Congress; and when he shall be freed from that engagement, a military tribunal, not that house, will be the proper place to have his conduct inquired into; for, if he should be found blameable, it is only a court-martial that can pass any censure or inflict any punishment upon him.

He denied every one of the premises. The commander in chief, as well as himself, had been accused both within and without that house. He had been most unjustly and cruelly accused by a learned gentleman [Lord Advocate of Scotland], over the way, the last night the committee sat. The noble Lord in the blue ribbon said, the only purpose the committee could sit for, would be to hear accusations against ministers; none had been made, consequently the committee, for the reasons assigned before, could sit to no purpose. He denied it: ministers, if they refused to proceed, were accused.

He was accused by the learned gentleman with the loss of an army; he demanded justice; and, he trusted, would obtain it from that house and his country.

He was criminated in the face of the nation; and he demanded and intreated the justice of the house, that, thus publicly accused, he might be permitted to exculpate himself. If the noble Lord, or ministers in general, called for specific charges against themselves, they would find them coupled with the justification of his conduct. He was entrusted with the execution of a measure; he failed in the execution. His justification was, that the force was inadequate to what was necessary. The blame, as it had been often repeated in that house, must lie somewhere. If he proved that he acted under peremptory orders, and that he had done every thing to execute them in his power; that the plan was impracticable in itself, for want of the co-operation of the commander in chief, which was understood to form a part of it; or, if practicable, that the force was inadequate; it would then rest with the noble Lord at the head of the American department, and those who, by their counsels, gave birth to the measure, to exculpate themselves. These considerations contained every thing necessary to justify an inquiry, and if ministers shunned or shrunk from it, the deduction was equal to the evidence arising from mathematical demonstration, that they were conscious

scious of their own guilt or incapacity. He wished, therefore, before he sat down, to impress this material and important consideration on the house, that he was earnestly desirous of having an opportunity to justify himself, which, if he should be so happy to do, it would involve in it ground sufficient to inquire into the motives of their conduct. He did not, however, stand forth as an accuser; he wished to prove his own innocence; let ministers then look forward to the inference, and see how far it behoved them to account to that house and the public for the loss of the northern army.

Lord *George Germain* denied that he had ever accused the honourable General, either in that assembly or out of it, with the failure of the expedition; but since the honourable gentleman had provoked an inquiry, he had no manner of objection; and hoped to be able to prove the contrary of what had been asserted, to the satisfaction of that house and the public, he meant, when the honourable gentleman should be amenable to a military tribunal.

An honourable gentleman who spoke lately with great energy, and with his usual ability [Mr. Fox], said, that he had withdrawn his confidence from the commander in chief long before his resignation; that he should say in that house, that the force sent to America would be adequate to the service, and that he had deceived that house by promising a successful issue to the ensuing campaign. He always spoke with great caution when he rose; he often declined to speak, but was strongly urged by his feelings when he did rise: there were some situations in which it would be neither wise nor prudent to remain silent. Such he looked upon the present moment to be. He did not merely rise to answer the honourable gentleman's speech, the facts he should particularly speak to having been urged in the narrative of the commander in chief the first day the committee met.

He trusted that, without offence, he might answer such of them as particularly related to himself. Whatever he said in Parliament, respecting his hopes of success, he was well warranted to say by the honourable commander's own letters, copies of which were on the table. He had given him the strongest hopes of success previous to the surprise of the cantonment at Trenton. It was true that, after the affair at White Plains, when the rebel army was all one as annihilated, he demanded a large reinforcement, fifteen or twenty thousand men; but for his part, against an ene-

my flying on every side, scarcely a battalion in any one body, and at the head of a victorious well-disciplined army, combined with the information of persons well informed on the spot, and on his own judgment, he thought then, and now, that such a requisition on the part of the commander in chief ought not to be complied with; and to shew that his opinion was not peculiar to him and the rest of his Majesty's servants, it was well known that, at the very period alluded to, such was the low, desperate state of the rebels, that they secretly sent a deputation of three persons to the General, to inform him that they had consulted the Congress on the occasion, who had consented to permit them to receive the King's troops into Philadelphia. This circumstance was, he begged leave to say, a very strong one in support of his opinion; for, if the General, in the tide of success which run so strongly in his favour, had followed his advantages properly up, by crossing the Delaware, and had possessed himself of the province of Pennsylvania, which at that time would have been the consequence of the possession of Philadelphia, he thought both now and then, that he was well warranted and justified in assuring that house, that we had a fair prospect of a successful campaign, and of the happy termination of the war in the course of it. But all our hopes were blasted by that unhappy affair at Trenton; and that event began, in the first instance, what the surrender at Saratoga fatally completed in the last.

At the commencement of the campaign alluded to, that of 1777, it was impossible to send the reinforcement desired. Not prepared; the time was too short. But supposing that the force was inadequate to effect the purposes of putting an end to the rebellion in one campaign, it was not inadequate to every purpose; at least ministers had a right to think and say so. After marching up to Washington's entrenchments, and abandoning every measure for compelling him to leave that strong position, a month was lost by that unsuccessful attempt, and returning to New-York. The next step taken by the General was to proceed to sea, where he continued another month; and instead of going up the Delaware, and landing at Wilmington or Newcastle in the Delaware, another month was lost; so that when the operations of the campaign were commenced, it was almost time to think of going into winter quarters. Indeed the event proved it; for, with a series of successes, it was too late in the season to continue operations of any real conse-

consequence in the field; and there was nothing he had more at heart, or more warmly urged and pressed on the commander in chief, than that of commencing his operations as early as possible.

In fact, he could easily allow for accidents in war; the surprise of the post at Trenton came within that description; the return from the White Plains might be justified from the difficulty of carrying on military operations in an hostile and uninhabited country; but as to the southern expedition, so far as it related to the two delays alluded to, he confessed he did not at the time understand it, nor did he to this minute understand it.

It must have been that circumstance alone the honourable gentleman [Mr. Fox] alluded to, when he said he had withdrawn his confidence from the commander in chief; for it was the only one on which he had been silent. He took no notice, he expressed no approbation of the measure, because he neither, at the time, nor to the moment he was speaking, could even guess at the motives which had induced him to undertake the southern expedition in the manner now described. Nay, when asked where the General was, or what he was doing, he said, he knew no more of either than any person in the street. He hoped that the honourable general would not be surprised at the expression, when, by the papers on the table, it appeared that he had not received a single line from him for two months and six days, from August the 22d till October the 28th.

When the honourable General first proposed the expedition to the southward (8th of May 1777), it was true he talked of landing in the Delaware; but, by the last dispatch, he declared his intention of debarking in the Chesapeak (16th of July), which he said he preferred to that of the Delaware. He would therefore submit it to the candid judgment of the house, whether receiving a letter dated in the middle of July, of an intended operation which, within every common rule of probability, must have taken place at least in the first instance, within a very few days, he had not a right to be astonished at a silence of two months.

If the honourable gentleman [Mr. Fox], wanted to know why he had withdrawn what he called his confidence from the commander in chief, he informed the honourable gentleman, that that was the reason; though he did not withdraw it in any other manner, than forbearing to applaud a measure which he could not approve, because he did not understand it.

it. He did not mean to prejudge the honourable commander. He made no doubt but he acted very properly; but, in justification of himself, he thought that it was incumbent upon him to explain to the house and the public, why he withheld his approbation (not his confidence), of a measure, which, till he heard it accounted for, he was utterly at a loss to reconcile.

After dwelling upon this subject for some time, his Lordship proceeded to speak to the question. He said, that he saw no good reason for proceeding farther in the present inquiry; he approved of every other part of the honourable commander's conduct. He might have his reasons, and very good ones for acting in the manner he did. The house seemed to be satisfied with his conduct throughout; and he chearfully acquiesced in the opinion. If it had not, he thought that this house was not the proper tribunal to inquire into and decide upon such matters. The other honourable general had accused him; he was ready to meet the charge, and defend himself. He did not accuse the honourable general; but, whenever he was in a proper situation to make a charge, and to submit his military conduct to any tribunal, he pledged himself that he would not shrink from an inquiry into his own conduct. It was a duty due to that house and the nation, to give every possible satisfaction, in order to know to whom the loss of the northern army was imputable. It was a subject of the very first importance; but the period was not arrived, nor would, till the honourable gentleman should be released from the obligations imposed upon him by the convention agreed to with the rebel general at Saratoga.

Of course, as no charge had been made against the commander in chief and the noble Lord the vice-admiral; and as the honourable general, who commanded the northern expedition, was amenable to no judicature, parliamentary, civil, or military, in this country, he should give his dissent against resuming the inquiry.

Sir *William Howe*, after referring to some letters on the table, in which he had acquainted the noble Lord in the beginning, that a greater force would be necessary to carry on effective operations leading to any thing like a decisive campaign; and, in the further progress, lamenting that it was so inadequate to what he had a right to expect at an earlier period, being disappointed even in the inadequate reinforcements promised by the noble Lord; he answered the fact respecting the pretended invitation from the inhabitants of Philadelphia, which, he said, had been fabricated by himself in order to deceive

ceive the enemy. He forged the invitation, and sent a person with it, so as that the contents might fall into the hands of the rebels, in order to deceive General Washington, and alarm him for his own safety, on account of traitors within, and a powerful enemy from without.

Lord *North*, in reply to General Burgoyne, said, he never denied that an inquisitorial power was vested in the House of Commons; he was fully persuaded of the contrary: what he contended for was, that such a power was never exercised upon any occasion, or in any reign, but when a jealousy arose in Parliament, that the executive power was remiss in its duty, and suppressed inquiry, in order to screen great state criminals; then, and then only, it was, that Parliament interposed between the executive power and the nation, in order to bring persons so favoured or screened to public justice.

No one had stated such a ground for the present inquiry; till it was stated and proved, all arguments for the exercise of a power, not called for upon that account, was, in his opinion, contending directly for the absolute exercise of a conditional right, not disputed nor denied in any instance, in which it was accompanied with that condition, that of a willingness and desire not to call favourite officers to account for their military conduct.

Mr. *Rigby* now arose, and spoke first to the point of order. He said it was not only competent to a committee of the whole house to refuse to proceed upon an order of reference, but to the lowest committee up stairs, upon road, navigation, and inclosing bills. Every day's experience proved it; for nothing was more usual than for committees to be appointed to inquire into facts stated in petitions, and to report, and those committees dissolving themselves, and never taking any notice of the matters so referred, and that even without stating a single reason.

He then proceeded to answer General Burgoyne, on the subject of his complaints against the noble Lord at the head of the American department. He said that he was against any inquiry into the honourable general's conduct in his absence; but thinking that a fault must have happened somewhere, pledged himself, that whenever that gentleman returned to England, that he would probe the matter to the bottom, or endeavour to do it as far as lay in his power. He was of the same opinion still; but when he found that all inquiry, so far as related to the honourable General, and of course to every other person concerned in the disgraceful convention

of

of Saratoga, was suspended till the commander was released from his engagement to the rebel Congress, he saw at once the utter impossibility of proceeding further in that business; a convention, in its nature, manner and consequences, more pernicious, dishonourable and destructive, than this country ever before experienced.

The honourable General had complained of the personal cruelty shewn him in that house, and lamented the fate of the gallant army under his command.

As to the first, he could not see any cruelty whatever that had been shewn him. Had not he lost one of the best disciplined and appointed armies that was ever sent from this country? Had not he, by his rashness and imprudence, led them into insurmountable difficulties? Had not he been the occasion of inflicting a greater punishment on the British soldiery than any other which could have possibly befallen them? Had not he led them into the arms of ignominious captivity, by ordering them to pile up their arms in the face of a despicable enemy, an undisciplined militia; a militia composed of the worst of all enemies, a rebel militia, armed against their Sovereign and the constitutional rights of this country?

The honourable General pretended to lament the fate of the unhappy sharers of his misfortunes, of which he himself had been the cause; but what proofs could he adduce, unless mere words might pass for proofs, that his feelings were correspondent to his professions? Had not he left them to their fate, to the resentment and enmity of a perfidious and implacable enemy? Why did not he, like a man and a soldier, share their misfortunes and their fate? While they were confined, insulted, and suffering under every species of indignity and mortification, was not he enjoying himself in all the amusements and pleasures of the first metropolis on the globe? or, conscious of present impunity, was not he, day after day, by factious efforts, and unfair and false misrepresentations, endeavouring to clog the wheels of government, and thereby attempting to throw that blame upon ministers which solely originated with himself?

He added, if the honourable General was permitted to be heard in his defence, before he was in a situation to be punished, it would amount to this; that however criminal he might appear, no one step could be taken against him, unless at the pleasure of the rebel Congress, while ministers would, if found incapable or neglectful, be liable to instant censure.

After

After having gone largely into these circumstances, he said, it was with infinite reluctance he found himself obliged to differ from the noble Lord in the blue ribbon, and the other noble Lord at the head of the American department. He was present the other night when the question was carried against calling in Lord Cornwallis. He neither spoke nor voted, because no accusation had been made against the commander in chief: not but he thought the proceeding a very extraordinary one to move for a committee to order papers to be referred to it; to order witnesses to attend; to apply to the other house for the attendance of one of its members to be examined expressly to the subject matter of those papers, and yet afterwards refuse to hear him.

He had nevertheless his doubts in what manner to conduct himself; and for that reason went away without voting; but now they had all vanished, as soon as he heard the noble Lord, the American Secretary, rise in his place, and make a specific and direct accusation against the commander in chief, and avowing openly, that he had withdrawn his confidence, and withheld his approbation, on account of those specific charges, his operations to the southward; the carrying them by Chesapeak, and his not corresponding with him for two months and six days.

After such a charge, so made, in such an assembly, in the face of the nation, it would indeed be cruelty, and the last species of injustice, not to hear the honourable General in his defence; for which reason, he should vote that Lord Cornwallis be called in, in pursuance of the order made by the house, repeated in the motion of the right honourable gentleman, to be examined to the subject matter of those papers.

General *Burgoyne* replied warmly to Mr. Rigby's insinuations of deserting his army in their captivity. He was here for the purpose of vindicating their behaviour and his own honour, both which had been scandalously aspersed. To see himself disgraced without a hearing, the most abominable falsehoods circulated against him, denied a share in the defence of his country, tho' no circumstance of his situation prevented him that honour; these were the luxuries he enjoyed; and if there was a man who thought them enviable, who thought that they did not give thorns to the pillow and bitterness to the cup, he had more philosophy or less sentiment than had been allotted to himself. He concluded with insisting, that the honourable gentleman, after such a speech, was bound in honour to continue his support to the inquiry.

Lord

Lord *North* rose, he said, to defend his former opinion; but the house would not hear him, though he rose five or six times; and his Lordship was at length obliged to sit down. The debate principally lay between the forementioned speakers; and the question being put upon Colonel Barré's motion, it was carried almost unanimously without a division.

May 4.

Order of the day for committing a bill to prevent adultery.

Earl *Nugent* began with observing the gallery was not filled with ladies. The other day, when a question respecting the church was agitated, the members thereof flocked to hear it; and when a debate of a military motion came before the house, the gallery was full of soldiers; he therefore was surprized ladies did not come to hear the present question, as he thought their welfare of infinite more consequence than either the church or the army, or both put together. However, he did not think the bill would entirely prevent adultery; for though that crime should be made capital, and punished with death, adultery, he maintained, would still be in fashion, and cart-loads of women would be brought to suffer martyrdom. This, he roundly asserted, for he knew a woman's heart; indeed, the noble Lord owned that he never did any thing now without first consulting them.

Sir *Adam Fergusson* said, it was nothing new to prevent the adulterer from marrying the adultress; that it was a law with the Romans, a law at this time almost throughout Europe, and was of opinion that the bill ought to be committed.

Lord *Beauchamp* was against the bill.

Mr. *Fox* was against it also; because it prevented the adulterer from doing the adultress the only justice in his power, which was to marry her; and he said that the marriage act had been the cause of so many divorces, there having been more since that time than before.

Lord *Ongly* was against the bill, but denied the marriage act to have been the cause of so many divorces.

The French had contributed not a little to it, by the introduction of their petit maitres, fidlers and dancing-masters, who had been allowed to teach our wives and misses to allmandi, and to twist and turn them about at their pleasure. The noble Lord condemned that clause of the bill, which

which goes to prevent an adulterous wife from marrying at all one twelvemonth after a divorce, as it could only oblige her to live for a year in a state of fornication; and he was farther of opinion with another noble Lord [Nugent], that the occasion of adultery was in the men, and not in the women; and that the former, if any, were the object of punishment.

Lord *Beauchamp* opposed the principle of the bill.

Mr. *Moysey* supported the bill: he insisted this was not so much a question of speculation as of public justice; that the bill had no farther object in view than was intended by every divorce bill that ever passed, if the legislature could have been asked their intentions, which was to disgrace the offending party; that such effect having lately been defeated, it was become absolutely necessary to put divorces on a better footing, or to stop them entirely. That it never could be, nor ought it to be, the intent of the legislature in passing a divorce bill to benefit the adulteress, and put her in a better situation than she was in before such bill passed. That by marrying the adulterer, she did put herself in a better condition, and sheltered herself from that disgrace in which the legislature found her; for before such bill passes, she is a divorced woman for adultery, by sentence of the ecclesiastical court, deprived of alimony, and unable to marry at all; but the divorce bills, in the present mode of passing them, enable her to run into the arms of the adulterer, in defiance of the old law of this country, with her dower at her back; for she was always sure of a provision from the legislature, and frequently too great a one. He shewed the idea of permitting the innocent party alone to marry was not new, but founded in the old canon law, and had been adopted by our own acts of parliament; and he cited the canon law to shew that a woman was not formerly permitted to marry the adulterer, even after the death of her husband. He answered many of the objections that had been made to this bill, and in particular to that of the partiality of the law in punishing the woman and not the male offender; he said it had been the practice of all ages, and almost all countries, and that of confining the disgrace of incontinence so much to the woman, was founded in necessity, and not incompatible with the true intent of the sex; for all penal laws upon the men must ultimately depend for their efficacy upon the women. And as to the latter, if the reproach of incontinence was confined to them, the palm of virtue and chastity was confined to them likewise.

That

That the trial is not upon their strength, and whilst they are protected against force, they would be ready and willing on their parts to guard themselves against intrigue and seduction. That penalties upon the male offenders in such cases would be an injury to every virtuous woman in the kingdom, and would detract from her merit; neither would it be a bit more desirable to the husband, who would wish to owe his security and happiness to his wife alone, not the forbearance of men, or penal restrictions put upon that sex. He concluded strongly in favour of the bill.

The house divided, for the bill 40, against it 51.

May 5.

The house having dispatched a great deal of private business, was preparing to rise, when Lord *George Gordon* rose, and made a speech respecting the disposition of the people of Scotland, and described them as ripe for insurrection and rebellion; affirmed that the inhabitants fit to bear arms, a few Roman Catholics excepted, were ready to resist the powers of government, and had invited him to be their leader or privy counsellor.

He stated the religious constitution of Scotland as rendered sacred against any law the Parliament of Great Britain might enact for its alteration. The preserving it free from any innovation whatever, unless the same was done by the joint consent of the provincial synods and the people at large in their elective and corporate capacities, would be an actual breach of the fundamental conditions on which the union of the two kingdoms was entered into and confirmed; and that, without such a previous consent of the people of Scotland, no power on earth was competent to interfere, or break into, or defeat, the conditions on which only the Union was to take effect.

This was the ground the people of Scotland took; they retained certain rights and privileges, which they deemed inherent and unalienable; such, in particular, was the religious establishment and the municipal laws of that country, secured by the treaty of Union. They were an independent nation when they entered into that treaty, so was England; they had their laws and their religious establishment, which they deemed sacred; and he was certain that Scotland would never submit to the arbitrary or oppressive acts of a British Parliament. They would prefer death to slavery, and perish with arms in their hands, or prevail in the contest.

His

His Lordship read two motions, but no person appearing to second them, the Speaker refused to read them; consequently no question could be put upon them.

First, "It appearing to this house that the people of Scotland being justly and constitutionally alarmed by the encouragement given to popery by the King's recommendation to this house through the Lord North (as it may be seen in our votes of the 18th of March last) of a petition from the Popish Lords, Linto and the bishop of Daulis; as also by the repeated assurances, both public and private, given to the papists in Scotland by his Majesty's officers and men in authority (which may be seen likewise in the two different editions of the memorial distributed to the members of this house by the Lord Bishop of Daulis, just before the said petition was presented,) that whatever was granted last year to the English Catholics should this present session of Parliament be extended to Scotland; this house resolves, in order to quiet those just alarms, that the said popish petition be thrown over the table."

Second, "That all further proceedings on the said petition be postponed to this day three months."

The order of the day was read for the house to resolve itself into a committee of supply.

In this committee Lord North moved, that the house tax of last year should cease after the first of July next, and in lieu thereof a tax be laid of sixpence in the pound on all houses let for five pounds a year and under twenty; ninepence on houses from twenty pounds to forty; and one shilling on all houses above forty. The resolutions were agreed to; and the house being resumed, they were reported, and immediately agreed to.

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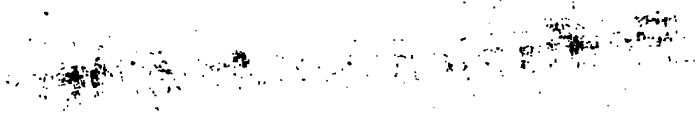

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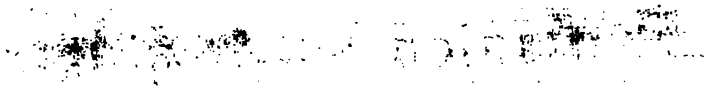
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